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99th Congress
2d Session

COMMITTEE PRINT

COMPILATION OF NARCOTICS LAWS, TREATIES, AND EXECUTIVE DOCUMENTS

REPORT

PREPARED FOR THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

CONGRESSIONAL RESEARCH SERVICE
LIBRARY OF CONGRESS

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Printed for the use of the Committee on Foreign Affairs

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FOREWORD

House of Representatives,
Committee on Foreign Affairs,
Washington, DC.

This compilation of narcotics control materials assembles the major provisions in current U.S. laws relating to the role of narcotics control in U.S. foreign policy and foreign assistance, domestic laws governing narcotics violations, and international agreements to promote narcotics control. It should provide a useful guide for Members of the House of Representatives, particularly those on the Committee on Foreign Affairs, as well as for the public.

Dante B. Fascell,
Chairman.

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: As members of the Task Force on International Narcotics Control, we believe that Congress has an important legislative and oversight role to play in narcotics issues in U.S. foreign policy. This compilation of basic narcotics control laws and international instruments is, to our knowledge, the first time that all of these materials have been brought together in one book. We therefore believe that it will be of interest and assistance not only to the Committee on Foreign Affairs and the House of Representatives, but to the law enforcement community and the general public as well.

This compilation was prepared by William F. Woldman, Analyst in American National Government, Congressional Research Service, with the assistance of Patricia Johns Grant, under the supervision of Harry L. Hogan, Specialist in American National Government, Congressional Research Service. Ms. F. Marian Chambers, Staff Consultant to the Foreign Affairs Committee, was responsible for designing, organizing, and carrying out this project.

LAWRENCE J. SMITH,
Chairman, Task Force on International Narcotics Control.
BENJAMIN A. GILMAN,
Ranking Minority Member.

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LETTER OF SUBMITTAL

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, May 13, 1986.

Hon. DANTE B. FASCELL,
Committee on Foreign Affairs,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: In response to the committee's request, I am submitting a report relating to the problem of illicit drug production and traffic.

The compilation includes Federal statutes of interest to the committee along with related documents. It was prepared in the Government Division by William F. Woldman, Analyst in American National Government, with the assistance of Patricia Johns Grant. The coordinator of the project was Harry L. Hogan, Specialist in American National Government.

We hope the compilation will serve the needs of your committee as well as those of other committees and Members of Congress concerned with control of the traffic in narcotics and other dangerous drugs.

Sincerely,

JOSEPH E. ROSS,
Director.

Enclosure.

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I. FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED (P.L. 87-195)

Part I, Chapter 8: "International Narcotics Control", and Section 126 "Development and Illicit Narcotics Production"

(Excerpt from *Legislation on Foreign Relations Through 1985*, Senate Committee Print 99-12, Committee on Foreign Relations and Committee on Foreign Affairs)

Chapter 8—International Narcotics Control [314]

Sec. 481.[315] International Narcotics Control.—(a) [316] (1) It is the sense of the Congress that—

(A) under the Single Convention on Narcotic Drugs, 1961, each signatory country has the responsibility of limiting to licit purposes the cultivation, production, manufacture, sale, and other distribution of scheduled drugs;

(B) the international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations;

(C) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs; and

(D) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.

This cooperation should include the development and transmittal of plans by each signatory country to the Single Convention on Narcotic Drugs, 1961, in which illicit narcotics and psychotropic crop cultivation exists, which would advise the International Narcotics Control Board, the United Nations Commission on Narcotic Drugs, and the international community of the strategy, programs,

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[314] Ch. 8 was added by sec. 109 of the FA Act of 1971.

[315] 22 U.S.C. 2291. Sec. 481 was added by sec. 109 of the FA Act of 1971. Sec. 503 of the Foreign Relations Authorization Act of 1972 amended sec. 481 and added sec. 482. Sec. 481 formerly read as follows:

"It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agriculture Trade Development and Assistance Act of 1954 with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter."

Under the FA Act of 1971, funds to implement sec. 481 were available from any funds made available to carry out this Act.

[316] Subsection designation "(a)" and subsec. (b) were added by sec. 11(a) of the FA Act of 1973. Subsec. (a) was subsequently amended by sec. 1003(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1053).

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and timetable such country has established for the progressive elimination of that cultivation.

(2) In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotics analgesics, including opium and its derivatives, other narcotic and psychotropic drugs, and other controlled substances.

(3) Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, or such terms and conditions as he may determine, for the control of narcotic and psychotropic drugs and other controlled substances.

(b)[316, 317] (1) Not later than 45 days after the end of each calendar quarter, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar basis, of funds under this chapter prior to the end of that quarter. The last such report for each fiscal year shall include the aggregate obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to end of that fiscal year—

(A) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter, including the cost of the United States personnel engaged in carrying out such purposes in each such country and with each such international organization;

(B) to carry out each program conducted under this chapter in each country and by each international organization, including the cost of United States personnel engaged in carrying out each such program; and

(C) for administrative support services within the United States to carry out the purposes of this chapter, including the

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[317] Subsec. (b) was amended by sec. 604 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 99 Stat 228). It previously read:

"(b) (1) Not later than forty-five days after the date on which each calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on the programming and obligation, on a calendar quarter basis, of funds under this chapter prior to such date.

"(2) Not later than forty-five days after the date on which the second calendar quarter of each year ends and not later than forty-five days after the date on which the fourth calendar quarter of each year ends, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed semiannual report on the activities and operations carried out under this chapter prior to such date. Such semiannual report shall include, but shall not be limited to—

"(A) the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter; and

"(B) the aggregate of obligations and expenditures made, and the types and quantity of equipment provided, on a calendar quarter basis, prior to such date—

"(i) to carry out the purposes of this chapter with respect to each country and each international organization receiving assistance under this chapter including the cost of United States personnel engaged in carrying out such purposes in each such country and with such international organization;

"(C) international narcotics control programs should include, as a priority, the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived, and should also include the suppression of the illicit manufacture of and traffic in narcotic and psychotropic drugs; and

"(D) effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in and abuse of narcotic and psychotropic drugs."

cost of United States personnel engaged in carrying out such purposes in the United States.

(2) Not later than August 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include, but not be limited to, the status of each agreement concluded prior to such date with other countries to carry out the purposes of this chapter.

(c)[318] (1)Notwithstanding any other provision of law, no officer or employee of the United States may engage or participate in any direct police arrest action in any foreign country with respect to narcotics control efforts. No such officer or employee may interrogate or be present during the interrogation of any United States person arrested in any foreign country with respect to narcotics control efforts without the written consent of such person. The provisions of this paragraph shall not apply to the activities of the United States Armed Forces in carrying out their responsibilities under applicable Status of Forces arrangements.[319]

(2)[320] Paragraph (1) of this subsection shall not prohibit officers and employees of the United States from being present during direct police arrest actions with respect to narcotic control efforts in a foreign country to the extent that the Secretary of State and the government of that country agree to such an exemption. The Secretary of State shall report any such agreement to the Congress before the agreement takes effect.

(d)[321] (1) The Secretary of State shall inform the Secretary of Health and Human Services of the use or intended use by any country or international organization of any herbicide to eradicate marihuana in a program receiving assistance under this chapter.

(2) The Secretary of Health and Human Services shall monitor the impact on the health of persons who may use or consume marihuana of the spraying of a herbicide to eradicate such marihuana in a program receiving assistance under this chapter, and if the Secretary determines that such persons are exposed to amounts of such herbicide which are harmful to their health, the Secretary shall prepare and transmit a report to the Congress setting forth

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[318] Subsec. (c) was added by sec. 504(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329; 90 Stat. 764).

[319] The final two sentences of subsec. (c)(1) were added by sec. 3 of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 730).

[320] Sec. 605 of the International Security and Development Act of 1985 (Public Law 99-83; 99 Stat. 229), added para. (2) in its current form. A previous version of para. (2), which had required a report from the President by June 30, 1977, on methods through which U.S. narcotics control programs in foreign countries might be placed under the auspices of international or regional organizations, was repealed by sec. 734(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1560). Such report was submitted to Congress on July 27, 1977.

[321] Subsec. (d), as added by sec. 4 of Public Law 95-384 (92 Stat. 730) and amended by sec. 3(b) of Public Law 96-92 (93 Stat. 702), was amended and restated by sec. 502(a)(1) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1538). Sec. 502(a) (2) and (3) of Public Law 97-113 also stipulated the conditions under which funds appropriated prior to enactment of this amendment could be utilized generally, and specifically in the case of assistance for Colombia appropriated in fiscal year 1980. See page 353 for complete text of these conditions.

such determination together with any recommendations the Secretary may have.

(3)[322] Of the funds authorized to be appropriated for the fiscal year 1982 under section 482, the President is urged to use not less than $100,000 to develop a substance that clearly and readily warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such person.

(4)[322] If the Secretary of Agriculture determines that a substance has been developed that clearly and readily warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such persons, such substance shall be used in conjunction with the spraying of paraquat or such other herbicide in any program receiving assistance under this chapter.

(e) [323] (1) Not later than February 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on United States policy to establish and encourage an international strategy to prevent the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances.

(2)(A) Each report pursuant to this subsection shall describe the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including policy development, bilateral and multilateral funding and other support for international narcotics control projects, representations of the United States Government to international organizations and agencies concerned with narcotics control, training of foreign enforcement personnel, coordination of the international narcotics control activities of United States Government agencies, and technical assistance to international demand reduction programs.

(B) Each such report shall also describe the activities of the United States in international financial institutions to combat the entry of illicit narcotic and psychotropic drugs and other controlled substances into the United States.

(C) Each such report shall describe the activities for the fiscal year just ended, for the current fiscal year, and for the next fiscal year.

(3) Each such report shall identify those countries which are the significant direct or indirect sources of illicit narcotic and psychotropic drugs and other controlled substances significantly affecting the United States. For each such country, each report shall include the following:

---

[322] Sec. 502(a)(4) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1539) provides that pars. (3) and (4) of sec. 481 "shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs."

[323] Subsec. (e), as added by sec. 502(b) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1539), was amended and restated by sec. 1003(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1053). Para. (6) was added by sec. 606 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 229).

(A) A detailed status report, with such information as can be reliably obtained, on the illicit narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

(B) A description of the assistance under this chapter and the other kinds of United States assistance which such country received in the preceding fiscal year, which are planned for such country for the current fiscal year, and which are proposed for such country for the next fiscal year, with an analysis of the impact that the furnishing of each such kind of assistance has had or is expected to have on the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances in such country.

(C) A description of the plans, programs, and timetables adopted by such country for the progressive elimination of the illicit cultivation of narcotic and psychotropic drugs and other controlled substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with these plans.

(4) In addition, each report pursuant to this subsection shall include, for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, a determination by the President of the maximum reductions in illicit drug production which are achievable during the next fiscal year. Such determination shall be based upon (A) the measures which the country is currently taking, and the measures which the country has planned for the next fiscal year, in order to prevent narcotic and psychotropic drugs and other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part in such country, from being transported through such country to United States Government personnel or their dependents, or from entering the United States unlawfully, and (B) the other information provided pursuant to this subsection.

(5) For each major illicit drug producing country which received United States assistance for the preceding fiscal year, each report pursuant to this subsection shall set forth the actual reductions in illicit drug production achieved by that country during such fiscal year.

(6)[323] Each report pursuant to this subsection shall describe the involvement of any foreign government (including any communist government) in illicit drug trafficking during the preceding fiscal year, including—

(A) the direct or indirect involvement of such government (or any official thereof) in the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, and

(B) any other activities of such government (or any official thereof) which have facilitated illicit drug trafficking.

(f) [324] As soon as possible after the transmittal of the report required by subsection (e), the designated representatives of the President shall initiate appropriate consultations with members of the Committee on Foreign Relations of the Senate and members of the Committee on Foreign Affairs of the House of Representatives. Such consultations shall include in-person discussions by designated representatives of the President (including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, the Department of Justice, and the Agency for International Development) to review the worldwide illicit drug production situation and the role that United States assistance to major illicit drug producing countries, and United States contributions to international financial institutions, have in combating the entry of illicit narcotic and pyschotropic drugs and other controlled substances into the United States. Such consultation shall include, with respect to each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, the furnishing of—

(1) a description of the nature of the illicit drug production problem;

(2) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production;

(3) a description of the methodology employed to determine the maximum achievable reductions in illicit drug production described pursuant to subsection (e)(4); and

(4) an analysis of any additional United States assistance that would be required to achieve those reductions.

The chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall each cause the substance of each consultation to be printed in the Congressional Record.

(g) [324] After consultations have been initiated pursuant to subsection (f), the Committee on Foreign Relations and the Committee on Foreign Affairs should hold a hearing to review the report submitted pursuant to subsection (e), especially the determinations described in subsection (e)(4). The hearing shall be open to the public unless the committee determines, in accordance with the rules of its House, that the hearing should be closed to the public.

(h) [324, 325] (1) If the President determines that a major illicit drug producing country has failed to take adequate steps to prevent narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being smuggled into the United States—

---

[324] Subsecs. (f), (g), (h), (i), and (j) were added by sec. 1003(b) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 97 Stat. 1053). Subsec. (h) para. (4) was added by sec. 618 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 233).

[325] See also sec. 527 of the Foreign Assistance Appropriations Act, 1986, as contained in the Continuing Appropriations Act, 1986 (Public Law 99-190; 99 Stat. 1306), which prohibits aid for a specified time period for any country that the President determines is not taking adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances which are cultivated, produced, or processed illicitly in such country from entering the United States, or from being sold in such country to U.S. government personnel or their dependents. Sec. 537 of the same Act, places additional limitations on aid to Jamaica, Peru and Bolivia.

(A) the President shall suspend United States assistance to or for such country; and

(B) the Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank, to vote against any loan or other utilization of the funds of their respective institution to or for such country.

(2) In determining whether adequate steps have been taken, the President shall give foremost consideration to whether the actions of the government of the country have resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to subsection (e)(4). The President shall also consider whether such government has taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States.

(3) If assistance to a country is suspended pursuant to this subsection, such suspension shall continue in force until the President determines, and reports to the Congress in writing, that the government of such country has taken the adequate steps described in paragraph (2) of this subsection, including—

(A) having prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic and psychotropic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the resumption of United States assistance to or for such country and prior to approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by any international financial institution to such country; and

(B) having taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of narcotic and psychotropic drugs and other controlled substances.

(4)[324] In addition to the requirements applicable to major illicit drug producing countries pursuant to paragraph (1), the President shall not provide any assistance under this Act or the Arms Export Control Act to any other country which the President determines has not taken adequate steps to prevent—

(A) the processing (in whole or in part) in such country of narcotic and psychotropic drugs or other controlled substances,

(B) the transportation through such country of narcotic and psychotropic drugs or other controlled substances, and

(C) the use of such country as a refuge for illegal drug traffickers.

(i) [323] As used in this section—

(1) the term "legal and law enforcement measures" means—

(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

(2) the term "major illicit drug producing country" means a country producing five metric tons or more of opium or opium derivative during a fiscal year or producing five hundred metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

(3) the term "narcotic and psychotropic drugs and other controlled substances" has the same meaning as is given by any applicable international narcotics control agreement or domestic law of the country of countries concerned; and

(4) the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under this Act (including programs under title IV of chapter 2 of this part);

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945;

except that the term "United States assistance" does not include (i) international narcotics control assistance under this chapter, (ii) disaster relief assistance (including any assistance under chapter 9 of this part), (iii) assistance which involves the provision of food or medicine, (iv) assistance for refugees, (v) assistance under the Inter-American Foundation Act,[326] or (vi) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive order Number 12333 (December 4, 1981).

(j) [324] The Department of State shall encourage the International Narcotics Control Board and the United Nations Commission on Narcotic Drugs to take such actions as are appropriate and necessary to secure from signatory countries to the Single Convention on Narcotic Drugs, 1961, the plans described in this section, and to obtain reports from such countries on their achievements under such plans.

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[326] For text, see page 450.

Sec. 482.[327] **Authorization.**—(a)[328] (1) To carry out the purposes of section 481, there are authorized to be appropriated to the President $57,529,000 for the fiscal year 1986 and $57,529,000 for the fiscal year 1987.[329]

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

(3)[328] Funds authorized to be appropriated by this section for fiscal year 1986 and for fiscal year 1987 may be used for a contribution to the United Nations Fund for Drug Abuse Control only if that organization includes in its crop substitution projects a plan for cooperation with the law enforcement forces of the host country.

(b)[328] Funds authorized to be appropriated by this section shall not be made available for the procurement of weapons or ammunition under this chapter.

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[327] 22 U.S.C. 2291a. Sec. 482, as added by sec. 503 of the Foreign Relations Authorization Act of 1972, was amended and restated by sec. 3 of the International Security Assistance Act of 1977 (Public Law 95-92; 91 Stat. 614). It formerly read as follows:

"Sec. 482. Authorization.—To carry out the purposes of section 481, there are authorized to be appropriated to the President $42,500,000 for each of the fiscal years 1974 and 1975, $40,000,000 for the fiscal year 1976, no part of which may be obligated for or on behalf of any country where illegal traffic in opiates has been a significant problem unless and until the President determines and certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that assistance furnished to such country pursuant to the authority in this chapter is significantly reducing the amount of illegal opiates entering the international market, and not to exceed $34,000,000 for the fiscal year 1977. Amounts appropriated under this section are authorized to remain available until expended."

[328] Subsection designation "(a)" and the text of subsec. (b) were added by sec. 5(b) of the International Security Assistance Act of 1978 (Public Law 95-384; 92 Stat. 731). Subsec. (a) was further amended and restated by sec. 3 of the International Security Assistance Act of 1979 (Public Law 96-92; 93 Stat. 701); and further amended by Sec. 402(a) of the International Security and Development Cooperation Act of 1980 (Public Law 96-533; 94 Stat. 3149). The 1980 amendment, in addition to other changes in subsection (a), struck out a paragraph which had earmarked $16 million for Colombia during fiscal year 1980 for a variety of items used in the interdiction of drug traffic. In reference to this deleted provision, sec. 402(c) of Public Law 96-533 stated:

"(c) Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program."

Subsec. (a) was further amended and restated when sec. 502(c) of the International Security and Development Cooperation Act of 1981 (Public Law 97-113; 95 Stat. 1539) substituted the authorization levels for fiscal years 1982 and 1983 in lieu of the figure for fiscal year 1981 and deleted a paragraph limiting the fiscal year 1981 U.S. contribution to the U.N. Fund for Drug Abuse Control to $3,000,000 or 50 percent of total contributions, whichever is less.

Para. (3) subsec. (a) was added by sec. 614 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83, 99 Stat. 231).

[329] Sec. 602 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 228), added the authorizations for fiscal year 1986 and 1987.

Authorizations under sec. 482 during recent years included the following: Fiscal year 1975—$42,500,000; Fiscal year 1976—$40,000,000; Fiscal year 1977—$34,000,000; Fiscal year 1978—$39,000,000; Fiscal year 1979—$40,000,000; Fiscal year 1980—$51,758,000; Fiscal year 1981—$38,573,000; Fiscal year 1982—$37,700,000; Fiscal year 1983—$37,700,000; Fiscal year 1984—$47,000,000; Fiscal year 1985—no authorization.

Foreign Assistance Appropriations Act, 1986 (sec. 101(j) of the Continuing Appropriations, 1986; Public Law 99-190; 99 Stat. 1300) provides the following:

"For necessary expenses to carry out the provisions of section 481, $57,529,000." The act also provided for an additional transfer of funds in the amount of $5,000,000 to "International Narcotics Control" from "Economic support fund" funds for Lebanon.

(c)[330] Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and section 105 of the Agricultural Trade Development and Assistance Act of 1954, up to the equivalent of $10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 481 through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program.

(d)[330a] Assistance may be provided under this chapter to a foreign country only if the country provides assurances to the President, and the President is satisfied, that the country will provide at least 25 percent of the costs of any narcotics control program, project, or activity for which such assistance is to be provided. The costs borne by the country may include "in-kind" contributions.

Sec. 483.[330b] **Prohibition on Use of Foreign Assistance for Reimbursements for Drug Crop Eradications.**—Funds made available to carry out this Act may not be used to reimburse persons whose illicit drug crops are eradicated.

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[330] Subsec. (c) was added by sec. 402(b) of the International Security and Development Cooperation Act of 1980 (Public Law 96–533; 94 Stat. 3149).

[330a] Subsec. (d) was added by sec. 608 of Public Law 99–83, 99 Stat. 229.

[330b] Sec. 483 was added by sec. 609 of Public Law 99–83, 99 Stat. 230.

Sec. 126.[80] Development and Illicit Narcotics Production.—(a) The Congress recognizes that illicit narcotics cultivation is related to overall development problems and that the vast majority of all individuals employed in the cultivation of illicit narcotics reside in the developing countries and are among the poorest of the poor in those countries and that therefore the ultimate success of any effort to eliminate illicit narcotics production depends upon the availability of alternative economic opportunities for those individuals, upon other factors which assistance under this chapter could address, as well as upon direct narcotics control efforts.

(b)(1)[81] In planning programs of assistance under this chapter and under chapter 4 of part II[81] for countries in which there is illicit narcotics cultivation, the agency primarily responsible for administering this part should give priority consideration to programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities.

(2)[81] The agency primarily responsible for administering this part may utilize resources for activities aimed at increasing awareness of the effects of production and trafficking of illicit narcotics on source and transit countries.

(c) In furtherance of the purposes of this section, the agency primarily responsible for administering this part shall cooperate fully with, and share its expertise in development matters with, other agencies of the United States Government involved in narcotics control activities abroad.

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[80] 22 U.S.C. 2151x. Sec. 126 was added by sec. 110 of the International Development Cooperation Act of 1979 (Public Law 96-53; 93 Stat. 363).

[81] Sec. 603 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83; 99 Stat. 190), amended subsec. (b) by inserting the words: "and under chapter 4 of Part II" and by inserting the paragraph designation "(1)", and by adding a new paragraph (2).

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A.1

CONTROLLED SUBSTANCES
ACT
(P.L. 91-513),
21 U.S.C. SECTION 801 ff.

(Excerpt from *Food, Drug, and Related Law*, Vol. II of U.S. Congress. House. Committee on Energy and Commerce. *Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce.* Committee Print 99-C, March 1985)

CONTROLLED SUBSTANCES ACT

(References in brackets [ ] are to title 21, United States Code)

[Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970]

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TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

SHORT TITLE

SEC. 100. [801n] This title may be cited as the "Controlled Substances Act".

FINDINGS AND DECLARATIONS

SEC. 101. [801] The Congress makes the following findings and declarations:

(1) Many of the drugs included within this title have a useful and legitimate medical purpose and are necessary to maintain the health and general welfare of the American people.

(2) The illegal importation, manufacture, distribution, and possession and improper use of controlled substances have a substantial and detrimental effect on the health and general welfare of the American people.

(3) A major portion of the traffic in controlled substances flows through interstate and foreign commerce. Incidents of the traffic which are not an integral part of the interstate or foreign flow, such as manufacture, local distribution, and possession, nonetheless have a substantial and direct effect upon interstate commerce because—

(A) after manufacture, many controlled substances are transported in interstate commerce,

(B) controlled substances distributed locally usually have been transported in interstate commerce immediately before their distribution, and

(C) controlled substances, possessed commonly flow through interstate commerce immediately prior to such possession.

(4) Local distribution and possession of controlled substances contribute to swelling the interstate traffic in such substances.

(5) Controlled substances manufactured and distributed intrastate cannot be differentiated from controlled substances manufactured and distributed interstate. Thus, it is not feasible to distinguish, in terms of controls, between controlled substances manufactured and distributed interstate and controlled substances manufactured and distributed intrastate.

(6) Federal control of the intrastate incidents of the traffic in controlled substances is essential to the effective control of the interstate incidents of such traffic.

(7) The United States is a party to the Single Convention on Narcotic Drugs, 1961, and other international conventions designed to

establish effective control over international and domestic traffic in controlled substances.

DEFINITIONS

SEC. 102. [802] As used in this title:

(1) The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

(2) The term "administer" refers to the direct application of a controlled substance to the body of a patient or research subject by—

(A) a practitioner (or, in his presence, by his authorized agent), or

(B) the patient or research subject at the direction and in the presence of the practitioner,

whether such application be by injection, inhalation, ingestion, or any other means.

(3) The term "agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser; except that such term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman, when acting in the usual and lawful course of the carrier's or warehouseman's business.

(4) The term "Drug Enforcement Administration" means the Drug Enforcement Administration in the Department of Justice.

(5) The term "control" means to add a drug or other substance, or immediate precursor, to a schedule under part B of this title, whether by transfer from another schedule or otherwise.

(6) The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this title. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1954.

(7) The term "counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

(8) The terms "deliver" or "delivery" mean the actual, constructive, or attempted transfer of a controlled substance, whether or not there exists an agency relationship.

(9) The term "depressant or stimulant substance" means—

(A) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid; or (ii) any derivative of barbituric acid which has been designated by the Secretary as habit forming under section 502(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(d)); or

(B) a drug which contains any quantity of (i) amphetamine or any of its optical isomers; (ii) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system; or

(C) lysergic acid diethylamide; or

(D) any drug which contains any quantity of a substance which the Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(10) The term "dispense" means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling, or compounding necessary to prepare the substance for such delivery. The term "dispenser" means a practitioner who so delivers a controlled substance to an ultimate user or research subject.

(11) The term "distribute" means to deliver (other than by administering or dispensing) a controlled substance. The term "distributor" means a person who so delivers a controlled substance.

(12) The term "drug" has the meaning given that term by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act.

(13) The term "felony" means any Federal or State offense classified by applicable Federal or State law as a felony.

(14) The term "isomer" means the optical isomer, except as used in schedule I(c) and schedule II(a)(4). As used in schedule I(c), the term "isomer" means the optical, positional, or geometric isomer. As used in schedule II(a)(4), the term "isomer" means the optical or geometric isomer.

(15) The term "manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of a drug or other substance in conformity with applicable State or local law by a practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice. The term "manufacturer" means a person who manufactures a drug or other substance.

(16) The term "marihuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the

resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

(17) The term "narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or imdependently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium, opiates, derivatives of opium and opiates, including their isomers, esters, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium.

(B) Poppy straw and concentrate of poppy straw.

(C) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed.

(D) Cocaine, its salts, optical and geometric isomers, and salts of isomers.

(E) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(F) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs (A) through (E).

(18) The term "opiate" means any drug or other substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

(19) The term "opium poppy" means the plant of the species Papaver somniferum L., except the seed thereof.

(20) The term "poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(21) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(22) The term "production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(23) The term "immediate precursor" means a substance—

(A) which the Attorney General has found to be and by regulation designated as being the principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(B) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(C) the control of which is necessary to prevent, curtail, or limit the manufacture of such controlled substance.

(24) The term "Secretary", unless the context otherwise indicates, means the Secretary of Health, Education, and Welfare.

(25) The term "State" means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of

Puerto Rico, the Trust Territory of the Pacific Islands, and the Canal Zone.

(26) The term "ultimate user" means a person who has lawfully obtained, and who possesses, a controlled substance for his own use or for the use of a member of his household or for an animal owned by him or by a member of his household.

(27) The term "United States", when used in a geographic sense, means all places and waters, continental or insular, subject to the jurisdiction of the United States.

(28) The term "maintenance treatment" means the dispensing, for a period in excess of twenty-one days, of a narcotic drug in the treatment of an individual for dependence upon heroin or other morphine-like drugs.

(29) The term "detoxification treatment" means the dispensing, for a period not in excess of one hundred and eighty days, of a narcotic drug in decreasing doses to an individual in order to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of a narcotic drug and as a method of bringing the individual to a narcotic drug-free state within such period.

(30) The term "Convention on Psychotropic Substances" means the Convention on Psychotropic Substances signed at Vienna, Austria, on February 21, 1971; and the term "Single Convention on Narcotic Drugs" means the Single Convention on Narcotic Drugs signed at New York, New York, on March 30, 1961.

PART B—AUTHORITY TO CONTROL; STANDARDS AND SCHEDULES

AUTHORITY AND CRITERIA FOR CLASSIFICATION OF SUBSTANCES

SEC. 201. [811] (a) The Attorney General shall apply the provisions of this title to the controlled substances listed in the schedules established by section 202 of this title and to any other drug or other substance added to such schedules under this title. Except as provided in subsections (d) and (e), the Attorney General may by rule—

(1) add to such a schedule or transfer between such schedules any drug or other substance if he—

(A) finds that such drug or other substance has a potential for abuse, and

(B) makes with respect to such drug or other substance the findings prescribed by subsection (b) of section 202 for the schedule in which such drug is to be placed; or

(2) remove any drug or other substance from the schedules if he finds that the drug or other substance does not meet the requirements for inclusion in any schedule.

Rules of the Attorney General under this subsection shall be made on the record after opportunity for a hearing pursuant to the rulemaking procedures prescribed by subchapter II of chapter 5 of title 5 of the United States Code. Proceedings for the issuance, amendment, or repeal of such rules may be initiated by the Attorney General (1) on his own motion, (2) at the request of the Secretary, or (3) on the petition of any interested party.

(b) The Attorney General shall, before initiating proceedings under subsection (a) to control a drug or other substance or to remove a drug or other substance entirely from the schedules, and after gathering the necessary data, request from the Secretary a scientific and medical evaluation, and his recommendations, as to whether such drug or other substance should be so controlled or removed as a controlled substance. In making such evaluation and recommendations, the Secretary shall consider the factors listed in paragraphs (2), (3), (6), (7), and (8) of subsection (c) and any scientific or medical considerations involved in paragraphs (1), (4), and (5) of such subsection. The recommendations of the Secretary shall include recommendations with respect to the appropriate schedule, if any, under which such drug or other substance should be listed. The evaluation and the recommendations of the Secretary shall be made in writing and submitted to the Attorney General within a reasonable time. The recommendations of the Secretary to the Attorney General shall be binding on the Attorney General as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance not be controlled, the Attorney General shall not control the drug or other substance. If the Attorney General determines that these facts and all other relevant data constitute substantial evidence of potential for abuse such as to warrant control or substantial evidence that the drug or other substance should be removed entirely from the schedules, he shall initiate proceedings for control or removal, as the case may be, under subsection (a).

(c) In making any finding under subsection (a) of this section or under subsection (b) of section 202, the Attorney General shall consider the following factors with respect to each drug or other substance proposed to be controlled or removed from the schedules:

(1) Its actual or relative potential for abuse.

(2) Scientific evidence of its pharmacological effect, if known.

(3) The state of current scientific knowledge regarding the drug or other substance.

(4) Its history and current pattern of abuse.

(5) The scope, duration, and significance of abuse.

(6) What, if any, risk there is to the public health.

(7) Its psychic or physiological dependence liability.

(8) Whether the substance is an immediate precursor of a substance already controlled under this title.

(d)(1) If control is required by United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section.

(2)[1] (A) Whenever the Secretary of State receives notification from the Secretary-General of the United Nations that information

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[1] Paragraphs (2) through (5) take effect on the date the Convention on Psychotropic Substances, signed at Vienna, Austria on February 21, 1971, enters into force in respect to the United States. See, section 112 of P.L. 95-633.

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has been transmitted by or to the World Health Organization, pursuant to article 2 of the Convention on Psychotropic Substances, which may justify adding a drug or other substance to one of the schedules of the Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State shall immediately transmit the notice to the Secretary of Health, Education, and Welfare who shall publish it in the Federal Register and provide opportunity to interested persons to submit to him comments respecting the scientific and medical evaluations which he is to prepare respecting such drug or substance. The Secretary of Health, Education, and Welfare shall prepare for transmission through the Secretary of State to the World Health Organization such medical and scientific evaluations as may be appropriate regarding the possible action that could be proposed by the World Health Organization respecting the drug or substance with respect to which a notice was transmitted under this subparagraph.

(B) Whenever the Secretary of State receives information that the Commission on Narcotic Drugs of the United Nations proposes to decide whether to add a drug or other substance to one of the schedules of the Convention, transfer a drug or substance from one schedule to another, or delete it from the schedules, the Secretary of State shall transmit timely notice to the Secretary of Health, Education, and Welfare of such information who shall publish a summary of such information in the Federal Register and provide opportunity to interested persons to submit to him comments respecting the recommendation which he is to furnish, pursuant to this subparagraph, respecting such proposal. The Secretary of Health, Education, and Welfare shall evaluate the proposal and furnish a recommendation to the Secretary of State which shall be binding on the representative of the United States in discussions and negotiations relating to the proposal.

(3) When the United States receives notification of a scheduling decision pursuant to article 2 of the Convention on Psychotropic Substances that a drug or other substance has been added or transferred to a schedule specified in the notification or receives notification (referred to in this subsection as a "schedule notice") that existing legal controls applicable under this title to a drug or substance and the controls required by the Federal Food, Drug, and Cosmetic Act do not meet the requirements of the schedule of the Convention in which such drug or substance has been placed, the Secretary of Health, Education, and Welfare, after consultation with the Attorney General, shall first determine whether existing legal controls under this title applicable to the drug or substance and the controls required by the Federal Food, Drug, and Cosmetic Act, meet the requirements of the schedule specified in the notification or schedule notice and shall take the following action:

(A) If such requirements are met by such existing controls but the Secretary of Health, Education, and Welfare nonetheless believes that more stringent controls should be applied to the drug or substance, the Secretary shall recommend to the Attorney General that he initiate proceedings for scheduling the drug or substance, pursuant to subsections (a) and (b) of this section, to apply to such controls.

(B) If such requirements are not met by such existing controls and the Secretary of Health, Education, and Welfare concurs in the scheduling decision or schedule notice transmitted by the notification, the Secretary shall recommend to the Attorney General that he initiate proceedings for scheduling the drug or substance under the appropriate schedule pursuant to subsections (a) and (b) of this section.

(C) If such requirements are not met by such existing controls and the Secretary of Health, Education, and Welfare does not concur in the scheduling decision or schedule notice transmitted by the notification, the Secretary shall—

(i) if he deems that additional controls are necessary to protect the public health and safety, recommend to the Attorney General that he initiate proceedings for scheduling the drug or substance pursuant to subsections (a) and (b) of this section, to apply such additional controls;

(ii) request the Secretary of State to transmit a notice of qualified acceptance, within the period specified in the Convention, pursuant to paragraph 7 of article 2 of the Convention, to the Secretary-General of the United Nations;

(iii) request the Secretary of State to transmit a notice of qualified acceptance as prescribed in clause (ii) and request the Secretary of State to ask for a review by the Economic and Social Council of the United Nations, in accordance with paragraph 8 of article 2 of the Convention, of the scheduling decision; or

(iv) in the case of a schedule notice, request the Secretary of State to take appropriate action under the Convention to initiate proceedings to remove the drug or substance from the schedules under the Convention or to transfer the drug or substance to a schedule under the Convention different from the one specified in the schedule notice.

(4)(A) If the Attorney General determines, after consultation with the Secretary of Health, Education, and Welfare, that proceedings initiated under recommendations made under paragraph (B) or (C)(i) of paragraph (3) will not be completed within the time period required by paragraph 7 of article 2 of the Convention, the Attorney General, after consultation with the Secretary and after providing interested persons opportunity to submit comments respecting the requirements of the temporary order to be issued under this sentence, shall issue a temporary order controlling the drug or substance under schedule IV or V, whichever is most appropriate to carry out the minimum United States obligations under paragraph 7 of article 2 of the Convention. As a part of such order, the Attorney General shall, after consultation with the Secretary, except such drug or substance from the application of any provision of part C of this title which he finds is not required to carry out the United States obligations under paragraph 7 of article 2 of the Convention. In the case of proceedings initiated under subparagraph (B) of paragraph (3), the Attorney General, concurrently with the issuance of such order, shall request the Secretary of State to transmit a notice of qualified acceptance to the Secretary-General of the United Nations pursuant to paragraph 7 of article 2 of the Convention. A temporary order issued under this subparagraph controlling a drug or other substance subject to proceedings initiated under subsections (a) and (b) of this section shall expire upon the effective date of the application to the drug or substance of the controls resulting from such proceedings.

(B) After a notice of qualified acceptance of a scheduling decision with respect to a drug or other substance is transmitted to the Secretary-General of the United Nations in accordance with clause (ii) or (iii) of paragraph (3)(C) or after a request has been made under clause (iv) of such paragraph with respect to a drug or substance described in a schedule notice, the Attorney General, after consultation with the Secretary of Health, Education, and Welfare and after providing interested persons opportunity to submit comments respecting the requirements of the order to be issued under this sentence, shall issue an order controlling the drug or substance under schedule IV or V, whichever is most appropriate to carry out the minimum United States obligations under paragraph 7 of article 2 of the Convention in the case of a drug or substance for which a notice of qualified acceptance was transmitted or whichever the Attorney General determines is appropriate in the case of a drug or substance described in a schedule notice. As a part of such order, the Attorney General shall, after consultation with the Secretary, except such drug or substance from the application of any provision of part C of this title which he finds is not required to carry out the United States obligations under paragraph 7 of article 2 of the Convention. If, as a result of a review under paragraph 8 of article 2 of the Convention of the scheduling decision with respect to which a notice of qualified acceptance was transmitted in accordance with clause (ii) or (iii) of paragraph (3)(C)—

(i) the decision is reversed, and

(ii) the drug or substance subject to such decision is not required to be controlled under schedule IV or V to carry out the minimum United States obligations under paragraph 7 of article 2 of the Convention,

the order issued under this subparagraph with respect to such drug or substance shall expire upon receipt by the United States of the review decision. If, as a result of action taken pursuant to action initiated under a request transmitted under clause (iv) of paragraph (3)(C), the drug or substance with respect to which such action was taken is not required to be controlled under schedule IV or V, the order issued under this paragraph with respect to such drug or substance shall expire upon receipt by the United States of a notice of the action taken with respect to such drug or substance under the Convention.

(C) An order issued under subparagraph (A) or (B) may be issued without regard to the findings required by subsection (a) of this section or by section 202(b) and without regard to the procedures prescribed by subsection (a) or (b) of this section.

(5) Nothing in the amendments made by the Psychotropic Substances Act of 1978 or the regulations or orders promulgated thereunder shall be construed to preclude requests by the Secretary of Health, Education, and Welfare or the Attorney General through the Secretary of State, pursuant to article 2 or other applicable provisions of the Convention, for review of scheduling decisions under such Convention, based on new or additional information.

(e) The Attorney General may, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section, place an immediate precursor in the same schedule in which the controlled substance of which it is an immediate precursor is placed or in any other schedule with a higher numerical designation. If the Attorney General designates a substance as an immediate precursor and places it in a schedule, other substances shall not be placed in a schedule solely because they are its precursors.

(f) If, at the time a new-drug application is submitted to the Secretary for any drug having a stimulant, depressant, or hallucinogenic effect on the central nervous system, it appears that such drug has an abuse potential, such information shall be forwarded by the Secretary to the Attorney General.

(g)(1) The Attorney General shall by regulation exclude any nonnarcotic substance from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

(2) Dextromethorphan shall not be deemed to be included in any schedule by reason of enactment of this title unless controlled after the date of such enactment pursuant to the foregoing provisions of this section.

(3) The Attorney General may, by regulation, exempt any compound, mixture, or preparation containing a controlled substance from the application of all or any part of this title if he finds such compound, mixture, or preparation meets the requirements of one of the following categories:

(A) A mixture, or preparation containing a nonnarcotic controlled substance, which mixture or preparation is approved for prescription use, and which contains one or more other active ingredients which are not listed in any schedule and which are included there in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse.

(B) A compound, mixture, or preparation which contains any controlled substance, which is not for administration to a human being or animal, and which is packaged in such form or concentration, or with adulterants or denaturants, so that as packaged it does not present any significant potential for abuse.

(h)(1) If the Attorney General finds that the scheduling of a substance in schedule I on a temporary basis is necessary to avoid an imminent hazard to the public safety, he may, by order and without regard to the requirements of subsection (b) relating to the Secretary of Health and Human Services, schedule such substance in schedule I if the substance is not listed in any other schedule in section 202 or if no exemption or approval is in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act. Such an order may not be issued before the expiration of thirty days from—

(A) the date of the publication by the Attorney General of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued, and

(B) the date the Attorney General has transmitted the notice required by paragraph (4).

(2) The scheduling of a substance under this subsection shall expire at the end of one year from the date of the issuance of the order scheduling such substance, except that the Attorney General may, during the pendency of proceedings under subsection (a)(1) with respect to the substance, extend the temporary scheduling for up to six months.

(3) When issuing an order under paragraph (1), the Attorney General shall be required to consider, with respect to the finding of an imminent hazard to the public safety, only those factors set forth in paragraphs (4), (5), and (6) of subsection (c), including actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.

(4) The Attorney General shall transmit notice of an order proposed to be issued under paragraph (1) to the Secretary of Health and Human Services. In issuing an order under paragraph (1), the Attorney General shall take into consideration any comments submitted by the Secretary in response to a notice transmitted pursuant to this paragraph.

(5) An order issued under paragraph (1) with respect to a substance shall be vacated upon the conclusion of a subsequent rulemaking proceeding initiated under subsection (a) with respect to such substance.

(6) An order issued under paragraph (1) is not subject to judicial review.

SCHEDULES OF CONTROLLED SUBSTANCES

SEC. 202. [812] (a) There are established five schedules of controlled substances, to be known as schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after the date of enactment of this title and shall be updated and republished on an annual basis thereafter.

(b) Except where control is required by United States obligations under an international treaty, convention, or protocol, in effect on the effective date of this part, and except in the case of an immediate precursor, a drug or other substance may not be placed in any schedule unless the findings required for such schedule are made with respect to such drug or other substance. The findings required for each of the schedules are as follows:

(1) SCHEDULE I.—

(A) The drug or other substance has a high potential for abuse.

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(B) The drug or other substance has no currently accepted medical use in treatment in the United States.

(C) There is a lack of accepted safety for use of the drug or other substance under medical supervision.

(2) SCHEDULE II.—

(A) The drug or other substance has a high potential for abuse.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.

(C) Abuse of the drug or other substances may lead to severe psychological or physical dependence.

(3) SCHEDULE III.—

(A) The drug or other substance has a potential for abuse less than the drugs or other substances in schedules I and II.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.

(4) SCHEDULE IV.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule III.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

(5) SCHEDULE V.—

(A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in schedule IV.

(B) The drug or other substance has a currently accepted medical use in treatment in the United States.

(C) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule IV.

(c)[1] Schedules I, II, III, IV, and V shall, unless and until amended pursuant to section 201, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I

(a) **[Opiates]** Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol.
(2) Allylprodine.
(3) Alphacetylmathadol.
(4) Alphameprodine.

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[1] See 21 C.F.R. ch. II, pt. 308 for current placement of substances in the schedules.

(5) Alphamethadol.
(6) Benzethidine.
(7) Betacetylmethadol.
(8) Betameprodine.
(9) Betamethadol.
(10) Betaprodine.
(11) Clonitazene.
(12) Dextromoramide.
(13) Dextrorphan.
(14) Diampromide.
(15) Diethylthiambutene.
(16) Dimenoxadol.
(17) Dimepheptanol.
(18) Dimethylthiambutene.
(19) Dioxaphetyl butyrate.
(20) Dipipanone.
(21) Ethylmethylthiambutene.
(22) Etonitazene.
(23) Etoxeridine.
(24) Furethidine.
(25) Hydroxypethidine.
(26) Ketobemidone.
(27) Levomoramide.
(28) Levophenacylmorphan.
(29) Morpheridine.
(30) Noracymethadol.
(31) Norlevorphanol.
(32) Normethadone.
(33) Norpipanone.
(34) Phenadoxone.
(35) Phenampromide.
(36) Phenomorphan.
(37) Phenoperidine.
(38) Piritramide.
(39) Proheptazine.
(40) Properidine.
(41) Racemoramide.
(42) Trimeperidine.

(b) **[Opium derivatives]** Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.
(2) Acetyldihydrocodeine.
(3) Benzylmorphine.
(4) Codeine methylbromide.
(5) Codeine-N-Oxide.
(6) Cyprenorphine.
(7) Desomorphine.
(8) Dihydromorphine.
(9) Etorphine.
(10) Heroin.

(11) Hydromorphinol.
(12) Methyldesorphine.
(13) Methylhydromorphine.
(14) Morphine methylbromide.
(15) Morphine methylsulfonate.
(16) Morphine-N-Oxide.
(17) Myrophine.
(18) Nicocodeine.
(19) Nicomorphine.
(20) Normorphine.
(21) Pholcodine.
(22) Thebacon.

(c) **[Hallucinogenic substances]** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 3,4-methylenedioxy amphetamine.
(2) 5-methoxy-3,4-methylenedioxy amphetamine.
(3) 3,4,5-trimethoxy amphetamine.
(4) Bufotenine.
(5) Diethyltryptamine.
(6) Dimethyltryptamine.
(7) 4-methyl-2,5-dimethoxy amphetamine.
(8) Ibogaine.
(9) Lysergic acid diethylamide.
(10) Marihuana.
(11) Mescaline.
(12) Peyote.
(13) N-ethyl-3-piperidyl benzilate.
(14) N-methyl-3-piperidyl benzilate.
(15) Psilocybin.
(16) Psilocyn.
(17) Tetrahydrocannabinols.

SCHEDULE II

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves (including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers and deriva-

tives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(b) **[Opiates]** Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine.
(2) Anileridine.
(3) Bezitramide.
(4) Dihydrocodeine.
(5) Diphenoxylate.
(6) Fentanyl.
(7) Isomethadone.
(8) Levomethorphan.
(9) Levorphanol.
(10) Metazocine.
(11) Methadone.
(12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
(13) Moramide-Intermediate, 2-methyl-3 morpholino-1,1-diphenylpropane-carboxylic acid.
(14) Pethidine.
(15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
(16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
(17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
(18) Phenazocine.
(19) Piminodine.
(20) Racemethorphan.
(21) Racemorphan.

(c) **[Methamphetamine]** Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

SCHEDULE III

(a)[1] **[Stimulants]** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
(2) Phenmetrazine and its salts.

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[1] The substances referred to in this paragraph have been administratively moved to Schedule II.

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(3) Any substance (except an injectable liquid) which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers.

(4) Methylphenidate.

(b) **[Depressants]** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.

(2) Chorexadol.

(3) Glutethimide.

(4) Lysergic acid.

(5) Lysergic acid amide.

(6) Methyprylon.

(7) Phencyclidine.

(8) Sulfondiethylmethane.

(9) Sulfonethylmethane.

(10) Sulfonmethane.

(c) Nalorphine.

(d) **[Narcotic drugs]** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

SCHEDULE IV

(1) Barbital.
(2) Chloral betaine.
(3) Chloral hydrate.
(4) Ethchlorvynol.
(5) Ethinamate.
(6) Methohexital.
(7) Meprobamate.
(8) Methylphenobarbital.
(9) Paraldehyde.
(10) Petrichloral.
(11) Phenobarbital.

SCHEDULE V

Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

PART C—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES; PIPERIDINE REPORTING

RULES AND REGULATIONS

SEC. 301. [821] The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances.

PERSONS REQUIRED TO REGISTER

SEC. 302. [822] (a)(1) Every person who manufactures or distributes any controlled substance, or who proposes to engage in the manufacture or distribution of any controlled substance, shall obtain annually a registration issued by the Attorney General in accordance with the rules and regulations promulgated by him.

(2) Every person who dispenses, or who proposes to dispense, any controlled substance, shall obtain from the Attorney General a reg-

istration issued in accordance with the rules and regulations promulgated by him. The Attorney General shall, by regulation, determine the period of such registrations. In no event; however, shall such registrations be issued for less than one year nor for more than three years.

(b) Persons registered by the Attorney General under this title to manufacture, distribute, or dispense controlled substances are authorized to possess, manufacture, distribute, or dispense such substances (including any such activity in the conduct of research) to the extent authorized by their registration and in conformity with the other provisions of this title.

(c) The following persons shall not be required to register and may lawfully possess any controlled substance under this title:

(1) An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if such agent or employee is acting in the usual course of his business or employment.

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of the controlled substance is in the usual course of his business or employment.

(3) An ultimate user who possesses such substance for a purpose specified in section 102(25).

(d) The Attorney General may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.

(e) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The Attorney General is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated by him.

REGISTRATION REQUIREMENTS

SEC. 303. [823] (a) The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture of controlled substances, and the existence in the establishment of effective control against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

(b) The Attorney General shall register an applicant to distribute a controlled substance in schedule I or II unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(c) Registration granted under subsections (a) and (b) of this section shall not entitle a registrant to (1) manufacture or distribute controlled substances in schedule I or II other than those specified in the registration, or (2) manufacture any quantity of those controlled substances in excess of the quota assigned pursuant to section 306.

(d) The Attorney General shall register an applicant to manufacture controlled substances in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule III, IV, or V compounded therefrom into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(5) past experience in the manufacture, distribution, and dispensing of controlled substances, and the existence in the establishment of effective controls against diversion; and

(6) such other factors as may be relevant to and consistent with the public health and safety.

(e) The Attorney General shall register an applicant to distribute controlled substances in schedule III, IV, or V, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled substances into other than legitimate medical, scientific, and industrial channels;

(2) compliance with applicable State and local law;

(3) prior conviction record of applicant under Federal or State laws relating to the manufacture, distribution, or dispensing of such substances;

(4) past experience in the distribution of controlled substances; and

(5) such other factors as may be relevant to and consistent with the public health and safety.

(f) The Attorney General shall register practitioners (including pharmacies, as distinguished from pharmacists) to dispense, or conduct research with, controlled substances in schedule (II, III, IV, or V, if the applicant is authorized to dispense, or conduct research with respect to, controlled substances under the laws of the State in which he practices. The Attorney General may deny an application for such registration if he determines that the issuance of such registration would be inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

Separate registration under this part for practitioners engaging in research with controlled substances in schedule II, III, IV, or V, who are already registered under this part in another capacity, shall not be required. Registration applications by practitioners wishing to conduct research with controlled substances in schedule I shall be referred to the Seretary, who shall determine the qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol. The Secretary, in determining the merits of each research protocol, shall consult with the Attorney General as to effective procedures to adequately safeguard against diversion of such controlled substances from legitimate medical or scientific use. Registration for the purpose of bona fide research with controlled substances in schedule I by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in section 304(a). Article 7 of the Convention on Psychotrophic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the convention which is conducted in conformity with this subsection and other applicable provisionns of this title.

(g) Practitioners who dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment shall obtain annually a separate registration for that purpose. The Attorney General shall register an applicant to dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment (or both)—

(1) if the applicant is a practitioner who is determined by the Secretary to be qualified (under standards established by the Secretary) to engage in the treatment with respect to which registration is sought;

(2) if the Attorney General determines that the applicant will comply with standards established by the Attorney General respecting (A) security of stocks of narcotic drugs for such treatment, and (B) the maintenance of records (in accordance with section 307) on such drugs; and

(3) if the Secretary determines that the applicant will comply with standards established by the Secretary (after consultation with the Attorney General) respecting the quantities of narcotic drugs which may be provided for unsupervised use by individuals in such treatment.

DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION

SEC. 304. [824] (a) A registration pursuant to section 303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the Attorney General upon a finding that the registrant—

(1) has materially falsified any application filed pursuant to or required by this title or title III;

(2) has been convicted of a felony under this title or title III or any other law of the United States, or of any State, relating to any substance defined in this title as a controlled substance;

(3) has had his State license or registration suspended, revoked, or denied by competent State authority and is no longer authorized by State law to engage in the manufacturing, distribution, or dispensing of controlled substances or has had the suspension, revocation, or denial of his registration recommended by competent State authority; or

(4) has committed such acts as would render his registration under section 303 inconsistent with the public interest as determined under such section.

A registration pursuant to section 303(g) to dispense a narcotic drug for maintenance treatment or detoxification treatment may be suspended or revoked by the Attorney General upon a finding that the registrant has failed to comply with any standard referred to in section 303(g).

(b) The Attorney General may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) Before taking action pursuant to this section, or pursuant to a denial of registration under section 303, the Attorney General shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this section in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecution or other proceedings under this title or any other law of the United States.

(d) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this section, in cases where he finds that there is an imminent danger to the public health or safety. A failure to comply with a standard referred to in section 303(g) may be treated under this subsection as grounds for immediate suspension of a registration granted under such section. A suspension under this subsection shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

(e) The suspension or revocation of a registration under this section shall operate to suspend or revoke any quota applicable under section 306.

(f) In the event the Attorney General suspends or revokes a registration granted under section 303, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of sale deposited in court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e). All right, title, and interest in such controlled substances shall vest in the United States upon a revocation order becoming final.

(g) The Attorney General may, in his discretion, seize or place under seal any controlled substances owned or possesed by a registrant whose registration has expired or who has ceased to practice or do business in the manner contemplated by his registration. Such controlled substances shall be held for the benefit of the registrant, or his successor in interest. The Attorney General shall notify a registrant, or his successor in interest, who has any controlled substances seized or placed under seal of the procedures to be followed to secure the return of the controlled substance and the conditions under which it will be returned. The Attorney General may not dispose of any controlled substance seized or placed under seal under this subsection until the expiration of one hundred and eighty days from the date such substance was seized or placed under seal.

LABELING AND PACKAGING REQUIREMENTS

SEC. 305. [825] (a) It shall be unlawful to distribute a controlled substance in a commercial container unless such container, when and as required by regulations of the Attorney General, bears a label (as defined in section 201(k) of the Federal Food, Drug, and Cosmetic Act) containing an identifying symbol for such substance in accordance with such regulations. A different symbol shall be required for each schedule of controlled substances.

(b) It shall be unlawful for the manufacturer of any controlled substance to distribute such substances unless the labeling (as defined in section 201(m) of the Federal Food, Drug, and Cosmetic Act) of such substance contains, when and as required by regulations of the Attorney General, the identifying symbol required under subsection (a).

(c) The Secretary shall prescribe regulations under section 503(b) of the Federal Food, Drug, and Cosmetic Act which shall provide that the label of a drug listed in schedule II, III, or IV shall, when dispensed to or for a patient, contain a clear, concise warning that it is a crime to transfer the drug to any person other than the patient.

(d) It shall be unlawful to distribute controlled substances in schedule I or II, and narcotic drugs in schedule III or IV, unless the bottle or other container, stopper, covering, or wrapper thereof is securely sealed as required by regulations of the Attorney General.

QUOTAS APPLICABLE TO CERTAIN SUBSTANCES

SEC. 306. [826] (a) The Attorney General shall determine the total quantity and establish production quotas for each basic class of controlled substance in schedules I and II to be manufactured each calendar year to provide for the estimated medical, scientific, research, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks. Production quotas shall be established in terms of quantities of each basic class of controlled substance and not in terms of individual pharmaceutical dosage forms prepared from or containing such a controlled substance.

(b) The Attorney General shall limit or reduce individual production quotas to the extent necessary to prevent the aggregate of individual quotas from exceeding the amount determined necessary each year by the Attorney General under subsection (a). The quota of each registered manufacturer for each basic class of controlled substance in schedule I or II shall be revised in the same proportion as the limitation or reduction of the aggregate of the quotas. However, if any registrant, before the issuance of a limitation or reduction in quota, has manufactured in excess of his revised quota, the amount of the excess shall be subtracted from his quota for the following year.

(c) On or before October 1 of each year, upon application therefor by a registered manufacturer, the Attorney General shall fix a manufacturing quota for the basic classes of controlled substances in schedules I and II that the manufacturer seeks to produce. The quota shall be subject to the provisions of subsections (a) and (b) of this section. In fixing such quotas, the Attorney General shall determine the manufacturer's estimated disposal, inventory, and other requirements for the calendar year; and, in making his determination, the Attorney General shall consider the manufacturer's current rate of disposal, the trend of the national disposal rate during the preceding calendar year, the manufacturer's production cycle and inventory position, the economic availability of raw materials, yield and stability problems, emergencies such as strikes and fires, and other factors.

(d) The Attorney General shall, upon application and subject to the provisions of subsections (a) and (b) of this section, fix a quota for a basic class of controlled substance in schedule I or II for any registrant who has not manufactured that basic class of controlled substance during one or more preceding calendar years. In fixing such quota, the Attorney General shall take into account the registrant's reasonably anticipated requirements for the current year; and in making his determination of such requirements, he shall consider such factors specified in subsection (c) of this section as may be relevant.

(e) At any time during the year any registrant who has applied for or received a manufacturing quota for a basic class of controlled substance in schedule I or II may apply for an increase in that quota to meet his estimated disposal, inventory, and other requirements during the remainder of that year. In passing upon the application the Attorney General shall take into consideration any occurrences since the filing of the registrant's initial quota application that may require an increased manufacturing rate by the registrant during the balance of the year. In passing upon the application the Attorney General may also take into account the amount, if any, by which the determination of the Attorney General under subsection (a) of this section exceeds the aggregate of the quotas of all registrants under this section.

(f) Notwithstanding any other provisions of this title, no registration or quota may be required for the manufacture of such quantities of controlled substances in schedules I and II as incidentally and necessarily result from the manufacturing process used for the manufacture of a controlled substance with respect to which its manufacturer is duly registered under this title. The Attorney General may, by regulation, prescribe restrictions on the retention and disposal of such incidentally produced substances.

RECORDS AND REPORTS OF REGISTRANTS

Sec. 307. [827] (a) Except as provided in subsection (c)—

(1) every registrant under this title shall, on the effective date of this section, or as soon thereafter as such registrant first engages in the manufacture, distribution, or dispensing of controlled substances, and every second year thereafter, make a complete and accurate record of all stocks thereof on hand, except that the regulations prescribed under this section shall permit each such biennial inventory (following the initial inventory required by this paragraph) to be prepared on such registrant's regular general physical

inventory date (if any) which is nearest to and does not vary by more than six months from the biennial date that would otherwise apply;

(2) on the effective date of each regulation of the Attorney General controlling a substance that immediately prior to such date was not a controlled substance, each registrant under this title manufacturing, distributing, or dispensing such substance shall make a complete and accurate record of all stocks thereof on hand; and

(3) on and after the effective date of this section, every registrant under this title manufacturing, distributing, or dispensing a controlled substance or substances shall maintain, on a current basis, a complete and accurate record of each such substance manufactured, received, sold, delivered, or otherwise disposed of by him, except that this paragraph shall not require the maintenance of a perpetual inventory.

(b) Every inventory or other record required under this section (1) shall be in accordance with, and contain such relevant information as may be required by, regulations of the Attorney General, (2) shall (A) be maintained separately from all other records of the registrant, or (B) alternatively, in the case of nonnarcotic controlled substances, be in such form that information required by the Attorney General is readily retrievable from the ordinary business records of the registrant, and (3) shall be kept and be available, for at least two years, for inspection and copying by officers or employees of the United States authorized by the Attorney General.

(c) The foregoing provisions of this section shall not apply—

(1)(A) to the prescribing of controlled substances in schedule II, III, IV, or V by practitioners acting in the lawful course of their professional practice unless such substance is prescribed in the course of maintenance or detoxification treatment of an individual; or

(B) to the administering of a controlled substance in schedule II, III, IV, or V unless the practitioner regularly engages in the dispensing or administering of controlled substances and charges his patients, either separately or together with charges for other professional services, for substances so dispensed or administered or unless such substance is administered in the course of maintenance treatment or detoxification treatment of an individual;

(2)(A) to the use of controlled substances, at establishments registered under this title which keep records with respect to such substances, in research conducted in conformity with an exemption granted under section 505(i) or 512(j) of the Federal Food, Drug, and Cosmetic Act;

(B) to the use of controlled substances, at establishments registered under this title which keep records with respect to such substances, in preclinical research or in teaching; or

(3) to the extent of any exemption granted to any person, with respect to all or part of such provisions, by the Attorney General by or pursuant to regulation on the basis of a finding that the application of such provisions (or part thereof) to such

person is not necessary for carrying out the purposes of this title.

Nothing in the Convention on Psychotropic Substances shall be construed as superseding or otherwise affecting the provisions of paragraph (1)(B), (2), or (3) of this subsection.[1]

(d) Every manufacturer registered under section 303 shall, at such time or times and in such form as the Attorney General may require, make periodic reports to the Attorney General of every sale, delivery or other disposal by him of any controlled substance, and each distributor shall make such reports with respect to narcotic controlled substances, identifying by the registration number assigned under this title the person or establishment (unless exempt from registration under section 302(d) to whom such sale, delivery, or other disposal was made.

(e)[2] In addition to the reporting and recordkeeping requirements under any other provision of this title, each manufacturer registered under section 303 shall, with respect to narcotic and nonnarcotic controlled substances manufactured by it, make such reports to the Attorney General, and maintain such records, as the Attorney General may require to enable the United States to meet its obligations under articles 19 and 20 of the Single Convention on Narcotic Drugs and article 16 of the Convention on Psychotropic Substances. The Attorney General shall administer the requirements of this subsection in such a manner as to avoid the unnecessary imposition of duplicative requirements under this title on manufacturers subject to the requirements of this subsection.

(f) Regulations under sections 505(i) and 512(j) of the Federal Food, Drug, and Cosmetic Act, relating to investigational use of drugs, shall include such procedures as the Secretary, after consultation with the Attorney General, determines are necessary to insure the security and accountability of controlled substances used in research to which such regulations apply.

(g) Every registrant under this title shall be required to report any change of professional or business address in such manner as the Attorney General shall by regulation require.

ORDER FORMS

SEC. 308. [828] (a) It shall be unlawful for any person to distribute a controlled substance in schedule I or II to another except in pursuance of a written order of the person to whom such substance is distributed, made on a form to be issued by the Attorney General in blank in accordance with subsection (d) and regulations prescribed by him pursuant to this section.

(b) Nothing in subsection (a) shall apply to—

(1) the exportation of such substances from the United States in conformity with title III;

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[1] This sentence takes effect on the date the Convention on Psychotropic Substances, signed at Vienna, Austria on February 21, 1971, enters into force in respect to the United States. See section 112 of P.L. 95-633.

[2] Subsection (e) takes effect on the date the Convention on Psychotropic Substances, signed at Vienna, Austria on February 21, 1971, enters into force in respect to the United States. See, section 112 of P.L. 95-633.

(2) the delivery of such a substance to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business; but where such carriage or storage is in connection with the distribution by the owner of the substance to a third person, this paragraph shall not relieve the distributor from compliance with subsection (a).

(c)(1) Every person who in pursuance of an order required under subsection (a) distributes a controlled substance shall preserve such order for a period of two years, and shall make such order available for inspection and copying by officers and employees of the United States duly authorized for that purpose by the Attorney General, and by officers or employees of States or their political subdivisions who are charged with the enforcement of State or local laws regulating the production, or regulating the distribution or dispensing, of controlled substances and who are authorized under such laws to inspect such orders.

(2) Every person who gives an order required under subsection (a) shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued by the Attorney General in blank in accordance with subsection (d) and regulations prescribed by him pursuant to this section, and shall, if such order is accepted, preserve such duplicate for a period of two years and make it available for inspection and copying by the officers and employees mentioned in paragraph (1) of this subsection.

(d)(1) The Attorney General shall issue forms pursuant to subsections (a) and (c)(2) only to persons validly registered under section 303 (or exempted from registration under section 302(d)). Whenever any such form is issued to a person, the Attorney General shall, before delivery thereof, insert therein the name of such person, and it shall be unlawful for any other person (A) to use such form for the purpose of obtaining controlled substances or (B) to furnish such form to any person with intent thereby to procure the distribution of such substances.

(2) The Attorney General may charge reasonable fees for the issuance of such forms in such amounts as he may prescribe for the purpose of covering the cost to the United States of issuing such forms, and other necessary activities in connection therewith.

(e) It shall be unlawful for any person to obtain by means of order forms issued under this section controlled substances for any purpose other than their use, distribution, dispensing, or administration in the conduct of a lawful business in such substances or in the course of his professional practice or research.

PRESCRIPTIONS

SEC. 309. [829] (a) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without the written prescription of a practitioner, except that in emergency situations, as prescribed by the Secretary by regulation after consultation with the Attorney General, such drug may be dispensed upon oral prescription in accordance with section

503(b) of that Act. Prescriptions shall be retained in conformity with the requirements of section 307 of this title. No prescription for a controlled substance in schedule II may be refilled.

(b) Except when dispensed directly by a practitioner, other than a pharmacist, to an ultimate user, no controlled substance in schedule III or IV, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, may be dispensed without a written or oral prescription in conformity with section 503(b) of that Act. Such prescriptions may not be filled or refilled more than six months after the date thereof or be refilled more than five times after the date of the prescription unless renewed by the practitioner.

(c) No controlled substance in schedule V which is a drug may be distributed or dispensed other than for a medical purpose.

(d) Whenever it appears to the Attorney General that a drug not considered to be a prescription drug under the Federal Food, Drug, and Cosmetic Act should be so considered because of its abuse potential, he shall so advise the Secretary and furnish to him all available data relevant thereto.

PIPERIDINE REPORTING

SEC. 310. (a)(1) Except as provided under paragraph (3), any person who distributes, sells, or imports any piperidine shall report to the Attorney General such information, in such form and manner, and within such time period or periods (of not less than seven days), concerning the distribution, sale, or importation as the Attorney General may require by regulation, and the person shall preserve a copy of each such report for 2 years. The Attorney General may include in the information required to be reported the following:

(A) The quantity, form, and manner in which, and date on which, the piperidine was distributed, sold, or imported.

(B)(i) In the case of the distribution or sale of piperidine to an individual, the name, address, and age of the individual and the type of identification presented to confirm the identity of the individual.

(ii) In the case of the distribution or sale of piperidine to an entity other than an individual, the name and address of the entity and the name, address, and title of the individual ordering or receiving the piperidine and the type of identification presented to confirm the identity of the individual and of the entity.

(2) Except as provided under paragraph (3), no person may distribute or sell piperidine unless the recipient or purchaser presents to the distributor or seller identification of such type, to confirm the identity of the recipient or purchaser (and any entity which the recipient or purchaser represents), as the Attorney General establishes by regulation.

(3) Under such conditions and to such extent as the Attorney General establishes, paragraphs (1) and (2) shall not apply to—

(A) the distribution of piperidine between agents or employees within a single facility (as defined by the Attorney General), if such agents or employees are acting in the lawful and usual course of their business or employment;

(B) the delivery of piperidine to or by a common or contract carrier for carriage in the lawful and usual course of its business, or to or by a warehouseman for storage in the lawful and usual course of its business; but where such carriage or storage is in connection with the distribution, sale, or importation of the piperidine to a third person, this subparagraph shall not relieve the distributor, seller, or importer from compliance with paragraph (1) or (2); or

(C) any distribution, sale, or importation of piperidine with respect to which the Attorney General determines that the report required by paragraph (1) or the presentation of identification required by paragraph (2) is not necessary for the enforcement of this title.

(b) Any information which is reported to or otherwise obtained by the Department of Justice under this section and which is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) thereof shall be considered confidential and shall not be disclosed, except that such information may be disclosed to officers or employees of the United States concerned with carrying out this title or title III or when relevant in any proceeding for the enforcement of this title or title III.

(c) For purposes of this section, section 401(d), and section 402(a)(9):

(1) The term "import" has the meaning given such term in section 1001(a)(1).

(2) The term "phencyclidine" means 1-(1-phenylcyclohexyl) piperidine, its salts, or any immediate percursor, homolog, analog, or derivative (or salt thereof) of 1-(1-phenylcyclohexyl) piperidine that is included in schedule I or II of part B of this title.

(3) The term "piperidine" includes its salts and acyl derivatives.

PART D—OFFENSES AND PENALTIES

PROHIBITED ACTS A—PENALTIES

SEC. 401. [841] (a) Except as authorized by this title, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or

(2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

(b) Except as otherwise provided in section 405 or 405A, any person who violates subsection (a) of this section shall be sentenced as follows:

(1)(A) In the case of violation of subsection (a) of this section involving—

(i) 100 grams or more of a controlled substance in schedule I or II which is a mixture or substance containing a detectable amount of a narcotic drug other than a narcotic drug consisting of—

(I) coca leaves;

(II) a compound, manufcture, salt, derivative, or preparation of coca leaves; or

(III) a substance chemically identical thereto;

(ii) a kilogram or more of any other controlled substance in schedule I or II which is a narcotic drug;

(iii) 500 grams or more of phencyclidine (PCP); or

(iv) 5 grams or more of lysergic acid diethylamide (LSD);

such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $250,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than $500,000, or both

(B) In the case of a controlled substance in schedule I or II except as provided in subparagraphs (A) and (C) such person shall be sentenced to a term of imprisonment of not more than 15 years, a fine of not more than $125,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 30 years, a fine of not more than $250,000, or both.

(C) In the case of less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil or in the case of any controlled substance in schedule III, such person shall, except as provided in paragraphs (4) and (5) of this subsection, be sentenced to a term of imprisonment of not more than 5 years, a fine of not more than $50,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $100,000, or both.

(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 3 years, a fine of not more than $25,000, or both. If any person commits such a violation after one or more prior convictions of him for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of im-

prisonment of not more than 6 years, a fine of not more than $50,000, or both.

(3) In the case of a controlled substance in schedule V, such person shall be sentenced to a term of imprisonment of not more than 1 year, a fine of not more than $10,000, or both. If any person commits such a violation after one or more convictions of him for an offense punishable under this paragraph, or for a crime under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine of not more than $25,000, or both.

(4) Notwithstanding paragraph (1)(C) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marihuana for no remuneration shall be treated as provided in section 404 and section 3607 of title 18, United States Code.

(5) Notwithstanding paragraph (1), any person who violates subsection (a) by cultivating a controlled substance on Federal property shall be fined not more than—

(A) $500,000 if such person is an individual; and

(B) $1,000,000 if such person is not an individual.

(d) Any person who knowingly or intentionally—

(1) possesses any piperidine with intent to manufacture phencyclidine except as authorized by this title, or

(2) possesses any piperidine knowing, or having reasonable cause to believe, that the piperidine will be used to manufacture phencyclidine except as authorized by this title,

shall be sentenced to a term of imprisonment of not more than 5 years, a fine of not more than $15,000, or both.

PROHIBITED ACTS B—PENALTIES

SEC. 402. [842] It shall be unlawful for any person—

(1) who is subject to the requirements of part C to distribute or dispense a controlled substance in violation of section 309;

(2) who is a registrant to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person or to manufacture a controlled substance not authorized by his registration;

(3) who is a registrant to distribute a controlled substance in violation of section 305 of this title;

(4) to remove, alter, or obliterate a symbol or label required by section 305 of this title;

(5) to refuse or fail to make, keep, or furnish any record, report, notification, declaration, order or order form, statement, invoice, or information required under this title or title III;

(6) to refuse any entry into any premises or inspection authorized by this title or title III;

(7) to remove, break, injure, or deface a seal placed upon controlled substances pursuant to section [illegible] or [illegible] or to remove or dispose of substances so placed under seal;

(8) to use, to his own advantage, or to reveal, other than to duly authorized officers or employees of the United States, or to the courts when relevant in any judicial proceeding under this title or title III, any information acquired in the course of an inspection authorized by this title concerning any method or process which as a trade secret is entitled to protection; or

(9) to distribute or sell piperidine in violation of regulations established under section 310(a)(2), respecting presentation of identification.

(b) It shall be unlawful for any person who is a registrant to manufacture a controlled substance in schedule I or II which is—

(1) not expressly authorized by his registration and by a quota assigned to him pursuant to section 306; or

(2) in excess of a quota assigned to him pursuant to section 306.

(c)(1) Except as provided in paragraph (2), any person who violates this section shall, with respect to any such violation, be subject to a civil penalty of not more than $25,000. The district courts of the United States (or, where there is no such court in the case of any territory or possession of the United States, then the court in such territory or possession having the jurisdiction of a district court of the United States in cases arising under the Constitution and laws of the United States) shall have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce this paragraph.

(2)(A) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall, except as otherwise provided in subparagraph (B) of this paragraph, be sentenced to imprisonment of not more than one year or a fine of not more than $25,000, or both.

(B) If a violation referred to in subparagraph (A) was committed after one or more prior convictions of the offender for an offense punishable under this paragraph (2), or for a crime under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine of $50,000, or both.

(C) Subparagraphs (A) and (B) shall not apply to a violation of subsection (a)(5) with respect to a refusal or failure to make a report required under section 310(a) (relating to piperidine reporting).

(3) Except under the conditions specified in paragraph (2) of this subsection, a violation of this section does not constitute a crime, and a judgment for the United States and imposition of a civil penalty pursuant to paragraph (1) shall not give rise to any disability or legal disadvantage based on conviction for a criminal offense.

PROHIBITED ACTS C—PENALTIES

SEC. 403. [843] (a) It shall be unlawful for any person knowingly or intentionally—

(1) who is a registrant to distribute a controlled substance classified in schedule I or II, in the course of his legitimate business, except pursuant to an order or an order form as required by section 308 of this title;

(2) to use in the course of the manufacture, distribution, or dispensing of a controlled substance, or to use for the purpose of acquiring or obtaining a controlled substance, a registration number which is fictitious, revoked, suspended, expired, or issued to another person.

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(4)(A) to furnish false or fraudulent material information in, or omit any material information from, any application, report, record, or other document required to be made, kept, or filed under this title or title III, or (B) to present false or fraudulent identification where the person is receiving or purchasing piperidine and the person is required to present identification under section 310(a); or

(5) to make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit substance.

(b) It shall be unlawful for any person knowingly or intentionally to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under any provision of this title or title III. Each separate use of a communication facility shall be a separate offense under this subsection. For purposes of this subsection, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures, or sounds of all kinds and includes mail, telephone, wire, radio, and all other means of communication.

(c) Any person who violates this section shall be sentenced to a term of imprisonment of not more than 4 years, a fine of not more than $30,000, or both; except that if any person commits such a violation after one or more prior convictions of him for violation of this section, or for a felony under any other provision of this title or title III or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 8 years, a fine of not more than $60,000, or both.

PENALTY FOR SIMPLE POSSESSION; CONDITIONAL DISCHARGE AND EXPUNGING OF RECORDS FOR FIRST OFFENSE

SEC. 404. **[**844**]** It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this title or title III. Any person who violates this subsection shall be sentenced to a term of imprisonment of not more than 1 year, a fine of not more than $5,000, or both, except that if he commits such offense after a prior conviction or convictions under this subsection have become final, he shall be sentenced to a term of imprisonment of not more than 2 years, a fine of not more than $10,000 or both.

DISTRIBUTION TO PERSONS UNDER AGE TWENTY-ONE

SEC. 405. [845] (a) Except as provided in section 405A, any person at least eighteen years of age who violates section 401(a)(1) by distributing a controlled substance to a person under twenty-one years of age is (except as provided in subsection (b)) punishable by a term of imprisonment, or a fine, or both, up to twice that authorized by section 401(b).

(b) Except as provided in section 405A, any person at least eighteen years of age who violates section 401(a)(1) by distributing a controlled substance to a person under twenty-one years of age after a prior conviction or convictions under subsection (a) of this section (or under section 303(b)(2) of the Federal Food, Drug, and Cosmetic Act as in effect prior to the effective date of section 701(b) of this Act) have become final, is punishable by a term of imprisonment, or a fine, or both, up to three times that authorized by section 401(b).

DISTRIBUTION IN OR NEAR SCHOOLS

SEC. 405A. [845a] (a) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school is (except as provided in subsection (b)) punishable (1) by a term of imprisonment, or fine, or both up to twice that authorized by section 841(b) of this title; and (2) at least twice any special parole term authorized by section 401(b) for a first offense involving the same controlled substance and schedule.

(b) Any person who violates section 401(a)(1) by distributing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school after a prior conviction or convictions under subsection (a) have become final is punishable (1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 401(b) for a second or subsequent offense involving the same controlled substance and schedule.

(c) In the case of any sentence imposed under subsection (b), imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under subsection (b) shall not be eligible for parole under section 4202 of title 18 of the United States Code until the individual has served the minimum sentence required by such subsection.

ATTEMPT AND CONSPIRACY

SEC. 406. [846] Any person who attempts or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

ADDITIONAL PENALTIES

SEC. 407. [847] Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

CONTINUING CRIMINAL ENTERPRISE

SEC. 408. [848] (a) Any person who engages in a continuing criminal enterprise shall be sentenced to a term of imprisonment which may not be less than 10 years and which may be up to life imprisonment, to a fine of not more than $100,000, and to the forfeiture prescribed in section 413 of this title except that if any person engages in such activity after one or more prior convictions of him under this section have become final, he shall be sentenced to a term of imprisonment which may not be less than 20 years and which may be up to life imprisonment, to a fine of not more than $200,000, and to the forfeiture prescribed in section 413 of this title.

(b) For purposes of subsection (a), a person is engaged in a continuing criminal enterprise if—

- (1) he violates any provision of this title or title III the punishment for which is a felony, and
- (2) such violation is a part of a continuing series of violations of this title or title III—
  - (A) which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and
  - (B) from which such person obtains substantial income or resources.

(c) In the case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and the Act of July 15, 1932 (D.C. Code, secs. 24-203—24-207), shall not apply.

DANGEROUS SPECIAL DRUG OFFENDER SENTENCING

SEC. 409. [849] Repealed.

INFORMATION FOR SENTENCING

SEC. 410. [850] Except as otherwise provided in this title or section 303(a) of the Public Health Service Act, no limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence under this title or title III.

PROCEEDINGS TO ESTABLISH PRIOR CONVICTIONS

SEC. 411. [851] (a)(1) No person who stands convicted of an offense under this part shall be sentenced to increased punishment by reason of one or more prior convictions, unless before trial, or before entry of a plea of guilty, the United States attorney files an information with the court (and serves a copy of such information on the person or counsel for the person) stating in writing the previous convictions to be relied upon. Upon a showing by the United States attorney that facts regarding prior convictions could not with due diligence be obtained prior to trial or before entry of a plea of guilty, the court may postpone the trial or the taking of the plea of guilty for a reasonable period for the purpose of obtaining such facts. Clerical mistakes in the information may be amended at any time prior to the pronouncement of sentence.

(2) An information may not be filed under this section if the increased punishment which may be imposed is imprisonment for a term in excess of three years unless the person either waived or was afforded prosecution by indictment for the offense for which such increased punishment may be imposed.

(b) If the United States attorney files an information under this section, the court shall after conviction but before pronouncement of sentence inquire of the person with respect to whom the information was filed whether he affirms or denies that he has been previously convicted as alleged in the information, and shall inform him that any challenge to a prior conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence.

(c)(1) If the person denies any allegation of the information of prior conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information. A copy of the response shall be served upon the United States attorney. The court shall hold a hearing to determine any issues raised by the response which would except the person from increased punishment. The failure of the United States attorney to include in the information the complete criminal record of the person or any facts in addition to the convictions to be relied upon shall not constitute grounds for invalidating the notice given in the information required by subsection (a)(1). The hearing shall be before the court without a jury and either party may introduce evidence. Except as otherwise provided in paragraph (2) of this subsection, the United States attorney shall have the burden of proof beyond a reasonable doubt on any issue of fact. At the request of either party, the court shall enter findings of fact and conclusions of law.

(2) A person claiming that a conviction alleged in the information was obtained in violation of the Constitution of the United States shall set forth his claim, and the factual basis therefor, with particularity in his response to the information. The person shall have the burden of proof by a preponderance of the evidence on any issue of fact raised by the response. Any challenge to a prior conviction, not raised by response to the information before an increased sentence is imposed in reliance thereon, shall be waived unless good cause be shown for failure to make a timely challenge.

(d)(1) If the person files no response to the information, or if the court determines, after hearing, that the person is subject to increased punishment by reason of prior convictions, the court shall proceed to impose sentence upon him as provided by this part.

(2) If the court determines that the person has not been convicted as alleged in the information, that a conviction alleged in the information is invalid, or that the person is otherwise not subject to an increased sentence as a matter of law, the court shall, at the request of the United States attorney, postpone sentence to allow an appeal from that determination. If no such request is made, the court shall impose sentence as provided by this part. The person may appeal from an order postponing sentence as if sentence had been pronounced and a final judgment of conviction entered.

(e) No person who stands convicted of an offense under this part may challenge the validity of any prior conviction alleged under this section which occurred more than five years before the date of the information alleging such prior conviction.

APPLICATION OF TREATIES AND OTHER INTERNATIONAL AGREEMENTS

SEC. 412. Nothing in the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, or other treaties or international agreements shall be construed to limit the provision of treatment, education, or rehabilitation as alternatives to conviction or criminal penalty for offenses involving any drug or other substance subject to control under any such treaty or agreement.

CRIMINAL FORFEITURES

PROPERTY SUBJECT TO CRIMINAL FORFEITURE

SEC. 413. **[**853**]** (a) Any person convicted of a violation of this title or title III punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law—

(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and

(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 408 of this title (21 U.S.C. 848), the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this title or title III, that the person forfeit to the United States all property described in this subsection.

MEANING OF TERM "PROPERTY"

(b) Property subject to criminal forfeiture under this section includes—

(1) real property, including things growing on, affixed to, and found in land; and

(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

THIRD PARTY TRANSFERS

(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (o) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

(d) If any of the property described in subsection (a)—

(1) cannot be located;

(2) has been transferred to, sold to, or deposited with a third party;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value by any act or omission of the defendant; or

(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

REBUTTABLE PRESUMPTION

(e) There is a rebuttable presumption at trial that any property of a person convicted of a felony under this title or title III is subject to forfeiture under this section if the United States establishes by a preponderance of the evidence that—

(1) such property was acquired by such person during the period of the violation of this title or title III or within a reasonable time after such period; and

(2) there was no likely source for such property other than the violation of this title or title III.

PROTECTIVE ORDERS

(f)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

(A) upon the filing of an indictment or information charging a violation of this title or title III for which criminal forfeiture may be ordered under this section and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

WARRANT OF SEIZURE

(g) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order under subsection (f) may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

EXECUTION

(h) Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accuring to or derived from property ordered forfeited under this section may be used to offset ordinary and necessary expenses to the property which are required by law, or which are necessary to protect the interests of the United States or third parties.

DISPOSITION OF PROPERTY

(i) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale of any other any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with him or on his behalf be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with him or on his behalf, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forefeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm, or loss to him.

AUTHORITY OF THE ATTORNEY GENERAL

(j) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this section;

(2) compromise claims arising under this section;

(3) award compensation to persons providing information resulting in a forfeiture under this section;

(4) direct the disposition by the United States, in accordance with the provisions of section 511(e) of this title (21 U.S.C. 881(e)), of all property ordered forfeited under this section by public sale or any other commerically feasible means, making due provision for the rights of innocent persons; and

(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

APPLICABILITY OF CIVIL FORFEITURE PROVISIONS

(k) Except to the extent that they are inconsistent with the provisions of this section, the provisions of section 511(d) of this title (21 U.S.C. 881(d)) shall apply to a criminal forfeiture under this section.

BAR ON INTERVENTION

(l) Except as provided in subsection (o), no party claiming an interest in property subject to forfeiture under this section may—

(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property in subject to forfeiture under this section.

JURISDICTION TO ENTER ORDERS

(m) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

DEPOSITIONS

(n) In order to facilitate the indentification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States, the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time any place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

THIRD PARTY INTERESTS

(o)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property for at least seven successive court days in such manner as the Attorney General may direct. The Government may also, be the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for puiblished notice as to those persons so notified.

(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and additional facts supporting the petitioner's claim, and the relief sought.

(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of this claim to the property and cross-examine witnesses who appear at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture in invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under the section; or

(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

(p) The provisions of this section shall be liberaly construed to effectuate its remedial purposes.

INVESTMENT OF ILLICIT DRUG PROFITS

SEC. 414. **[854]** (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a violation of this title of title III punishable by imprisonment for more than one year in which such person has participated as a principal within the meaning of section 2 of title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquistion of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any violation of this title or title III after such purchases do not amount in the aggregate to 1 per centum of the out-standing securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of this issuer.

(b) Whoever violates this section shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

(c) As used in this section, the term "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity.

(d) The provisions of this section shall be liberally construed to effectuate its remedial purposes.

PART E—ADMINISTRATIVE AND ENFORCEMENT PROVISIONS

PROCEDURES

SEC. 501. [871] (a) The Attorney General may delegate any of his functions under this title to any officer or employee of the Department of Justice.

(b) The Attorney General may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this title.

(c) The Attorney General may accept in the name of the Department of Justice any form of devise, bequest, gift, or donation where the donor intends to donate property for the purpose of preventing or controlling the abuse of controlled substances. He may take all appropriate steps to secure possession of such property and may sell, assign, transfer, or convey any such property other than moneys.

EDUCATION AND RESEARCH PROGRAMS OF THE ATTORNEY GENERAL

SEC. 502. [872] (a) The Attorney General is authorized to carry out educational and research programs directly related to enforcement of the laws under his jurisdiction concerning drugs or other substances which are or may be subject to control under this title. Such programs may include—

(1) educational and training programs on drug abuse and controlled substances law enforcement for local, State, and Federal personnel;

(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

(3) studies or special projects designed to assess and detect accurately the presence in the human body of drugs or other substances which are or may be subject to control under this title, including the development of rapid field identification methods which would enable agents to detect microquantities of such drugs or other substances;

(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

(5) studies or special projects to develop more effective methods to prevent diversion of controlled substances into illegal channels; and

(6) studies or special projects to develop information necessary to carry out his functions under section 201 of this title.

(b) The Attorney General may enter into contracts for such educational and research activities without performance bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(c) The Attorney General may authorize persons engaged in research to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

(d)[1] Nothing in the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, or other treaties or international agreements shall be construed to limit, modify, or prevent the protection of the confidentiality of patient records or of the names and other identifying characteristics of research subjects as provided by any Federal, State, or local law or regulation.

(e) The Attorney General, on his own motion or at the request of the Secretary, may authorize the possession, distribution, and dispensing of controlled substances by persons engaged in research. Persons who obtain this authorization shall be exempt from State or Federal prosecution for possession, distribution, and dispensing of controlled substances to the extent authorized by the Attorney General.

COOPERATIVE ARRANGEMENTS

SEC. 503. [873] (a) The Attorney General shall cooperate with local, State, and Federal agencies concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, he is authorized to—

(1) arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

(2) cooperate in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States;

(3) conduct training programs on controlled substance law enforcement for local, State, and Federal personnel;

(4) maintain in the Department of Justice a unit which will accept, catalog, file, and otherwise utilize all information and statistics, including records of controlled substance abusers and other controlled substance law offenders, which may be received from Federal, State, and local agencies, and make such information available for Federal, State, and local law enforcement purposes;

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[1] Subsection (d) takes effect on the date the Convention on Psychotropic Substances, signed at Vienna, Austria on February 21, 1971, enters into force in respect to the United States. See section 112 of P.L. 95-633

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted; and

(6) assist State and local governments in suppressing the diversion of controlled substances from legitimate medical, scientific, and commercial channels by—

(A) making periodic assessments of the capabilities of State and local governments to adequately control the diversion of controlled substances;

(B) providing advice and counsel to State and local governments on the methods by which such governments may strengthen their controls against diversion; and

(C) establishing cooperative investigative efforts to control diversion.

(b) When requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical advice, to him for carrying out his functions under this title; except that no such agency or instrumentality shall be required to furnish the name of, or other identifying information about, a patient or research subject whose identity it has undertaken to keep confidential.

(c) The Attorney General shall annually (1) select the controlled substance (or controlled substances) contained in schedule II which, in the Attorney General's discretion, is determined to have the highest rate of abuse, and (2) prepare and make available to regulatory, licensing, and law enforcement agencies of States descriptive and analytic reports on the actual distribution patterns in such States of each such controlled substance.

(d)(1) The Attorney General may make grants, in accordance with paragraph (2), to State and local governments to assist in meeting the costs of—

(A) collecting and analyzing data on the diversion of controlled substances,

(B) conducting investigations and prosecutions of such diversions,

(C) improving regulatory controls and other authorities to control such diversions,

(D) programs to prevent such diversions.

(E) preventing and detecting forged prescriptions, and

(F) training law enforcement and regulatory personnel to improve the control of such diversions.

(2) No grant may be made under paragraph (1) unless an application therefor is submitted to the Attorney General in such form and manner as the Attorney General may prescribe. No grant may exceed 80 per centum of the costs for which the grant is made, and no grant may be made unless the recipient of the grant provides assurances satisfactory to the Attorney General that it will obligate funds to meet the remaining 20 per centum of such costs. The Attorney General shall review the activities carried out with grants under paragraph (1) and shall report annually to Congress on such activities.

(3) To carry out this subsection there is authorized to be appropriated $6,000,000 for fiscal year 1985 and $6,000,000 for fiscal year 1986.

ADVISORY COMMITTEES

SEC. 504. [874] The Attorney General may from time to time appoint committees to advise him with respect to preventing and controlling the abuse of controlled substances. Members of the committees may be entitled to receive compensation at the rate of $100 for each day (including traveltime) during which they are engaged in the actual performance of duties. While traveling on official business in the performance of duties for the committees, members of the committees shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

ADMINISTRATIVE HEARINGS

SEC. 505. [875] (a) In carrying out his functions under this title, the Attorney General may hold hearings, sign and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States.

(b) Except as otherwise provided in this title, notice shall be given and hearings shall be conducted under appropriate procedures of subchapter II of chapter 5, title 5, United States Code.

SUBPENAS

SEC. 506. [876] (a) In any investigation relating to his functions under this title with respect to controlled substances, the Attorney General may subpena witnesses, compel the attendance and testimony of witnesses, and require the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Attorney General finds relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place of hearing; except that a witness shall not be required to appear at any hearing more than 500 miles distant from the place where he was served with a subpena. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) A subpena issued under this section may be served by any person designated in the subpena to serve it. Service upon a natural person may be made by personal delivery of the subpena to him. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpena entered on a true copy thereof by the person serving it shall be proof of service.

(c) In the case of contumacy by or refusal to obey a subpena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpena. The court may issue an order requiring the subpenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

JUDICIAL REVIEW

SEC. 507. [877] All final determinations, findings, and conclusions of the Attorney General under this title shall be final and conclusive decisions of the matters involved, except that any person aggrieved by a final decision of the Attorney General may obtain review of the decision in the United States Court of Appeals for the District of Columbia or for the circuit in which his principal place of business is located upon petition filed with the court and delivered to the Attorney General within thirty days after notice of the decision. Findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive.

POWERS OF ENFORCEMENT PERSONNEL

SEC. 508. [878] Any officer or employee of the Drug Enforcement Administration designated by the Attorney General may—

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant (A) for any offense against the United States committed in his presence, or (B) for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this title; and

(5) perform such other law enforcement duties as the Attorney General may designate.

SEARCH WARRANTS

SEC. 509. [879] A search warrant relating to offenses involving controlled substances may be served at any time of the day or night if the judge or United States magistrate issuing the warrant is satisfied that there is probable cause to believe that grounds exist for the warrant and for its service at such time.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 510. [880] (a) As used in this section, the term "controlled premises" means—

(1) places where original or other records or documents required under this title are kept or required to be kept, and

(2) places, including factories, warehouses, or other establishments, and conveyances where persons registered under section 303 (or exempted from registration under section 302(d)) may lawfully hold, manufacture, or distribute, dispense, administer, or otherwise dispose of controlled substances.

(b)(1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this title and otherwise facilitating the carrying out of his functions under this title, the Attorney General is authorized, in accordance with this section, to enter controlled premises and to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.

(2) Such entries and inspections shall be carried out through officers or employees (hereinafter referred to as "inspectors") designated by the Attorney General. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) a written notice of his inspection authority (which notice in the case of an inspection requiring, or in fact supported by, an administrative inspection warrant shall consist of such warrant), shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except as may otherwise be indicated in an applicable inspection warrant, the inspector shall have the right—

(A) to inspect and copy records, reports, and other documents required to be kept or made under this title;

(B) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished drugs and other substances or materials, containers, and labeling found therein, and, except as provided in paragraph (5) of this subsection, all other things therein (including records, files, papers, processes, controls, and facilities) appropriate for verification of the records, reports, and documents referred to in clause (A) or otherwise bearing on the provisions of this title; and

(C) to inventory any stock of any controlled substance therein and obtain samples of any such substance.

(4) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipment data; or

(C) pricing data.

(c) A warrant under this section shall not be required for the inspection of books and records pursuant to an administrative subpena issued in accordance with section 506, nor for entries and administrative inspections (including seizures of property)—

(1) with the consent of the owner, operator, or agent in charge of the controlled premises;

(2) in situations presenting imminent danger to health or safety;

(3) in situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(4) in any other exceptional or emergency circumstances where time or opportunity to apply for a warrant is lacking; or

(5) in any other situations where a warrant is not constitutionally required.

(d) Issuance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title or regulations thereunder, and seizures of property appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or conveyance, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (b)(2) to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inven-

tory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

FORFEITURES

SEC. 511. [881] (a) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this title.

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this title.

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2).

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2), except that—

(A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this title or title III; and

(B) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State.

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this title.

(6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this title, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this title, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

(7) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this title punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or ommission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

(8) All controlled substances which have been possessed in violation of this title.

(b) Any property subject to civil or criminal forfeiture to the United States under this title may be seized by the Attorney General upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over the property, except that seizure without such process may be made when—

(1) the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the United States in a criminal injunction or forfeiture proceeding under this title;

(3) the Attorney General has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) the Attorney General has probable cause to believe that the property is subject to civil or criminal forfeiture under this title.

In the event of seizure pursuant to paragraph (3) or (4) of this subsection, proceedings under subsection (d) of this section shall be instituted promptly.

(c) Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the Attorney General, subject only to the orders and decrees of the court or the official having jurisdiction thereof. Whenever property is seized under any of the provisions of this title, the Attorney General may—

(1) place the property under seal;

(2) remove the property to a place designated by him; or

(3) require that the General Services Administration take custody of the property and remove it, if practicable, to an appropriate location for disposition in accordance with law.

(d) The provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under any of the provisions of this title, insofar as applicable and not inconsistent with the provisions hereof; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this title by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer.

(e) Whenever property is civilly or criminally forfeited under this title the Attorney General may—

(1) retain the property for official use or transfer the custody or ownership of any forfeited property to any Federal, State, or local agency pursuant to section 616 of the Tariff Act of 1930 (19 U.S.C. 1616);

(2) sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public;

(3) require that the General Services Administration take custody of the property and dispose of it in accordance with law; or

(4) forward it to the Bureau of Narcotics and Dangerous Drugs for disposition (including delivery for medical or scientific use to any Federal or State agency under regulations of the Attorney General).

The Attorney General shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by the Attorney General pursuant to paragraph (1) shall not be subject to review. The proceeds from any sale under paragraph (2) and any moneys forfeited under this title shall be used to pay all proper expenses of the proceedings for forfeiture and sale including expenses of seizure, maintenance of custody, advertising, and court costs. The Attorney General shall forward to the Treasurer of the United States for deposit accordance with section 524(c) of title 28, United States Code any amounts of such moneys and proceeds remaining after payment of such expenses.

(f) All controlled substances in schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this title shall be deemed contraband and seized and summarily forfeited to the United States. Similarly, all substances in schedule I, which are seized or come into the possession of the United States, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the United States.

(g)(1) All species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this title, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the United States.

(2) The failure, upon demand by the Attorney General or his duly authorized agent, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

(3) The Attorney General, or his duly authorized agent, shall have authority to enter upon any lands, or into any dwelling pursuant to a search warrant, to cut, harvest, carry off, or destroy such plants.

(h) All right, title, and interest in property described in subsecion (a) shall vest in the United States upon commission of the act giving rise to forfeiture under this section.

(i) The filing of an indictment or information alleging a violation of this title or title III which is also related to a civil forfeiture proceeding under this section shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.

(j) In addition to the venue provided for in section 1395 of title 28, United States Code, or any other provision of law, in the case of property of a defendant charged with a violation that is the basis for forfeiture of the property under this section, a proceeding for forfeiture under this section may be brought in the judicial district in which the defendant owning such property is found or in the judicial district in which the criminal prosecution is brought.

INJUNCTIONS

SEC. 512. [882] (a) The district courts of the United States and all courts exercising general jurisdiction in the territories and possessions of the United States shall have jurisdiction in proceedings in accordance with the Federal Rules of Civil Procedure to enjoin violations of this title.

(b) In case of an alleged violation of an injunction or restraining order issued under this section, trial shall, upon demand of the accused, be by a jury in accordance with the Federal Rules of Civil Procedure.

ENFORCEMENT PROCEEDINGS

SEC. 513. [883] Before any violation of this title is reported by the Administrator of the Drug Enforcement Administration to any United States attorney for institution of a criminal proceeding, the Administrator may require that the person against whom such proceeding is contemplated be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

IMMUNITY AND PRIVILEGE

SEC. 514. [884] (a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury of the United States, involving a violation of this title, and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, including any criminal case brought in a court of a State, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, upon the request of the United States attorney for such district, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

(c) A United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant Attorney General designated by the Attorney General, request an order under subsection (b) when in his judgment—

(1) the testimony or other information from such individual may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

BURDEN OF PROOF; LIABILITIES

SEC. 515. **[885]** (a)(1) It shall not be necessary for the United States to negative any exemption or exception set forth in this title in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this title, and the burden of going forward with the evidence with respect to any such exemption or exception shall be upon the person claiming its benefit.

(2) In the case of a person charged under section 404(a) with the possession of a controlled substance, any label identifying such substance for purposes of section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act shall be admissible in evidence and shall be prima facie evidence that such substance was obtained pursuant to a valid prescription from a practitioner while acting in the course of his professional practice.

(b) In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this title, he shall be presumed not to be the holder of such registration or form, and the burden of going forward with the evidence with respect to such registration or form shall be upon him.

(c) The burden of going forward with the evidence to establish that a vehicle, vessel, or aircraft used in connection with controlled substances in schedule I was used in accordance with the provisions of this title shall be on the persons engaged in such use.

(d) Except as provided in sections 2234 and 2235 of title 18, United States Code, no civil or criminal liability shall be imposed by virtue of this title upon any duly authorized Federal officer lawfully engaged in the enforcement of this title, or upon any duly authorized officer of any State, territory, political subdivision thereof, the District of Columbia, or any possession of the United States, who shall be lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.

PAYMENTS AND ADVANCES

SEC. 516. [886] (a) The Attorney General is authorized to pay any person, from funds appropriated for the Drug Enforcement Administration, for information concerning a violation of this title, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law.

(b) Moneys expended from appropriations of the Drug Enforcement Administration for purchase of controlled substances and subsequently recovered shall be reimbursed to the current appropriation for the Bureau.

(c) The Attorney General is authorized to direct the advance of funds by the Treasury Department in connection with the enforcement of this title.

PART F—ADVISORY COMMISSION

ESTABLISHMENT OF COMMISSION ON MARIHUANA AND DRUG ABUSE

SEC. 601. [801n] (a) There is established a commission to be known as the Commission on Marihuana and Drug Abuse (hereafter in this section referred to as the "Commission"). The Commission shall be composed of—

(1) two Members of the Senate appointed by the President of the Senate;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(3) nine members appointed by the President of the United States.

At no time shall more than one of the members appointed under paragraph (1), or more than one of the members appointed under paragraph (2), or more than five of the members appointed under paragraph (3) be members of the same political party.

(b)(1) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Seven members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(2) Members of the Commission who are Members of Congress or full-time officers or employees of the United States shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $100 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(3) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

(c)(1) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including travel time. While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(3) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Commission, such department or agency shall furnish such information to the Commission.

(d)(1) The Commission shall conduct a study of marihuana including, but not limited to, the following areas:

(A) the extent of use of marihuana in the United States to include its various sources, the number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;

(B) an evaluation of the efficacy of existing marihuana laws;

(C) a study of the pharmacology of marihuana and its immediate and long-term effects, both physiological and psychological;

(D) the relationship of marihuana use to aggressive behavior and crime;

(E) the relationship between marihuana and the use of other drugs; and

(F) the international control of marihuana.

(2) Within one year after the date on which funds first become available to carry out this section, the Commission shall submit to the President and the Congress a comprehensive report on its study and investigation under this subsection which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

(e) The Commission shall conduct a comprehensive study and investigation of the causes of drug abuse and their relative significance. The Commission shall submit to the President and the Congress such interim reports as it deems advisable and shall within two years after the date on which funds first become available to carry out this section submit to the President and the Congress a final report which shall contain a detailed statement of its findings and conclusions and also such recommendations for legislation and administrative actions as it deems appropriate. The Commission shall cease to exist sixty days after the final report is submitted under this subsection.

(f) Total expenditures of the Commission shall not exceed $1,000,000.

PART G—CONFORMING, TRANSITIONAL AND EFFECTIVE DATE, AND GENERAL PROVISIONS

REPEALS AND CONFORMING AMENDMENTS

SEC. 701. (a) Sections 201(v), 301(q), and 511 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(v), 331(q), 360(a)) are repealed.

(b) Subsections (a) and (b) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) are amended to read as follows:

"SEC. 303. (a) Any person who violates a provision of section 301 shall be imprisoned for not more than one year or fined not more than $1,000, or both.

"(b) Notwithstanding the provisions of subsection (a) of this section, if any person commits such a violation after a conviction of him under this section has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $10,000 or both."

(c) Section 304(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(a)(2)) is amended (1) by striking out clauses (A) and (D), (2) by striking out "of such depressant or stimulant drug or" in clause (C), (3) by adding "and" after the comma at the end of clause (C), and (4) by redesignating clauses (B), (C), and (E) as clauses (A), (B), and (C), respectively.

(d) Section 304(d)(3)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334(d)(3)(iii)) is amended by striking out "depressant or stimulant drugs or".

(e) Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended (1) in subsection (a) by striking out paragraph (2), by inserting "and" at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); (2) by striking out "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug" in the first sentence of subsection (b); (3) by striking out the last sentence of subsection (b); (4) by striking out "or in the wholesaling, jobbing, or distributing of any depressant or stimulant drug" in the first sentence of subsection (c); (5) by striking out the last sentence of subsection (c); (6) by striking out "(1)" in subsection (d) and by inserting a period after "drug or drugs" in that subsection and deleting the remainder of that subsection; and (7) by striking out "AND CERTAIN WHOLESALERS" in the section heading.

(f) Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372) is amended by striking out "to depressant or stimulant drugs or" in subsection (e).

(g) Section 201(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(a)(2)) is amended by inserting a period after "Canal Zone" the first time these words appear and deleting all thereafter in such section 201(a)(2).

(h) The last sentence of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended (1) by striking out "This paragraph" and inserting in lieu thereof "Clause (2) of the third sentence of this paragraph,", and (2) by striking out "section 2 of the Act of May 26, 1922, as amended (U.S.C. 1934, edition, title 21, sec. 173)" and inserting in lieu thereof "the Controlled Substances Import and Export Act".

(i)(1) Section 1114 of title 18, United States Code, is amended by striking out "the Bureau of Narcotics" and inserting in lieu thereof "the Bureau of Narcotics and Dangerous Drugs".

(2) Section 1952 of such title is amended—

(A) by inserting in subsection (b)(1) "or controlled substances (as defined in section 102(6) of the Controlled Substances Act)" immediately following "narcotics"; and

(B) by striking out "or narcotics" in subsection (c).

(j) Subsection (a) of section 302 of the Public Health Service Act (42 U.S.C. 242(a)) is amended to read as follows:

"SEC. 302. (a) In carrying out the purposes of section 301 with respect to drugs the use or misuse of which might result in drug abuse or dependency, the studies and investigations authorized therein shall include the use and misuse of narcotic drugs and other drugs. Such studies and investigations shall further include the quantities of crude opium, coca leaves, and their salts, derivatives, and preparations, and other drugs subject to control under the Controlled Substances Act and Controlled Substances Import and Export Act, together with reserves thereof, necessary to supply the normal and emergency medicinal and scientific requirements of the United States. The results of studies and investigations of the quantities of narcotic drugs or other drugs subject to control under such Acts, together with reserves of such drugs, that are necessary to supply the normal and emergency medicinal and scientific requirements of the United States, shall be reported not later than the first day of April of each year to the Attorney General, to be used at his discretion in determining manufacturing quotas or importation requirements under such Acts."

PENDING PROCEEDINGS

SEC. 702. [321n] (a) Prosecutions for any violation of law occurring prior to the effective date of section 701 shall not be affected by the repeals or amendments made by such section, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of section 701 shall not be affected by the repeals or amendments made by such section, or abated by reason thereof.

(c) All administrative proceedings pending before the Bureau of Narcotics and Dangerous Drugs on the date of enactment of this Act shall be continued and brought to final determination in accord with laws and regulations in effect prior to such date of enactment. Where a drug is finally determined under such proceedings to be a depressant or stimulant drug, as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act, such drug shall automatically be controlled under this title by the Attorney General without further proceedings and listed in the appropriate schedule after he has obtained the recommendation of the Secretary. Any drug with respect to which such a final determination has been made prior to the date of enactment of this Act which is not listed in section 202 within schedules I through V shall automatically be controlled under this title by the Attorney General without further proceedings, and be listed in the appropriate schedule, after he has obtained the recommendations of the Secretary.

(d) Notwithstanding subsection (a) of this section or section 1103, section 4202 of title 18, United States Code, shall apply to any individual convicted under any of the laws repealed by this title or title III without regard to the terms of any sentence imposed on such individual under such law.

PROVISIONAL REGISTRATION

SEC. 703. [822n] (a)(1) Any person who—

(A) is engaged in manufacturing, distributing, or dispensing any controlled substance on the day before the effective date of section 302, and

(B) is registered on such day under section 510 of the Federal Food, Drug, and Cosmetic Act or under section 4722 of the Internal Revenue Code of 1954,

shall, with respect to each establishment for which such registration is in effect under any such section, be deemed to have a provisional registration under section 303 for the manufacture, distribution, or dispensing (as the case may be) of controlled substances.

(2) During the period his provisional registration is in effect under this section, the registration number assigned such person under such section 510 or under such section 4722 (as the case may be) shall be his registration number for purposes of section 303 of this title.

(b) The provisions of section 304, relating to suspension and revocation of registration, shall apply to a provisional registration under this section.

(c) Unless sooner suspended or revoked under subsection (b), a provisional registration of a person under subsection (a)(1) of this section shall be in effect until—

(1) the date on which such person has registered with the Attorney General under section 303 or has had his registration denied under such section, or

(2) such date as may be prescribed by the Attorney General for registration of manufacturers, distributors, or dispensers, as the case may be,

whichever occurs first.

EFFECTIVE DATES AND OTHER TRANSITIONAL PROVISIONS

SEC. 704. [801n] (a) Except as otherwise provided in this section, this title shall become effective on the first day of the seventh calendar month that begins after the day immediately preceding the date of enactment.

(b) Parts A, B, E, and F of this title, section 702, this section, and sections 705 through 709, shall become effective upon enactment.

(c) Sections 305 (relating to labels and labeling), and 306 (relating to manufacturing quotas) shall become effective on the date specified in subsection (a) of this section, except that the Attorney General may by order published in the Federal Register postpone the effective date of either or both of these sections for such period as he may determine to be necessary for the efficient administration of this title.

CONTINUATION OF REGULATIONS

SEC. 705. [801n] Any orders, rules, and regulations which have been promulgated under any law affected by this title and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed.

SEVERABILITY

SEC. 706. [901] If a provision of this Act is held invalid, all valid provisions that are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all its valid applications that are severable.

SAVING PROVISION

SEC. 707. [902] Nothing in this Act, except this part and, to the extent of any inconsistency, sections 307(e) and 309 of this title, shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of the Federal Food, Drug, and Cosmetic Act.

APPLICATION OF STATE LAW

SEC. 708. [903] No provision of this title shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this title and that State law so that the two cannot consistently stand together.

PAYMENT OF TORT CLAIMS

Notwithstanding section 2680(k) of title 28, United States Code, the Attorney General, in carrying out the functions of the Department of Justice under this title, is authorized to pay tort claims in the manner authorized by section 2672 of title 28, United States Code, when such claims arise in a foreign country in connection with the operations of the Drug Enforcement Administration abroad.

A.2

CONTROLLED SUBSTANCES IMPORT
AND EXPORT ACT
(P.L. 91-513),
21 U.S.C. SECTION 1001 ff.

(Excerpt from *Food, Drug, and Related Law*, Vol. II of U.S. Congress. House. Committee on Energy and Commerce. *Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce.* Committee Print 99-C, March 1985)

CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT

[Title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970]

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TITLE III—IMPORTATION AND EXPORTATION; AMENDMENTS AND REPEALS OF REVENUE LAWS

SHORT TITLE

SEC. 1000. [951n] This title may be cited as the "Controlled Substances Import and Export Act".

PART A—IMPORTATION AND EXPORTATION

DEFINITIONS

SEC. 1001. [951] (a) For purposes of this part—

(1) The term "import" means, with respect to any article, any bringing in or introduction of such article into any area (whether or not such bringing in or introduction constitutes an importation within the meaning of the tariff laws of the United States).

(2) The term "customs territory of the United States" has the meaning assigned to such term by general headnote 2 to the Tariff Schedules of the United States (19 U.S.C. 1202).

(b) Each term defined in section 102 of title II shall have the same meaning for purposes of this title as such term has for purposes of title II.

IMPORTATION OF CONTROLLED SUBSTANCES

SEC. 1002. [952] (a) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any controlled substance in schedule I or II of title II, or any narcotic drug in schedule III, IV, or V of title II, except that—

(1) such amounts of crude opium poppy straw, concentrate of poppy straw, and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and

(2) such amounts of any controlled substance in schedule I or II or any narcotic drug in schedule III, IV, or V that the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States—

(A) during an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate,

(B) in any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303, or

(C) in any case in which the Attorney General finds that such controlled substance is in limited quantities exclusively for scientific, analytical, or research uses,

may be so imported under such regulations as the Attorney General shall prescribe. No crude opium may be so imported for the purpose of manufacturing heroin or smoking opium.

(b) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any nonnarcotic controlled substance in schedule III, IV, or V, unless such nonnarcotic controlled substance—

(1) is imported for medical, scientific or other legitimate uses, and

(2) is imported pursuant to such notification or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such import permit, notification, or declaration, as the Attorney General may by regulation prescribe, except that if a nonnarcotic control substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.

(c) In addition to the amount of coca leaves authorized to be imported into the United States under subsection (a), the Attorney General may permit the importation of additional amounts of coca leaves. All cocaine and ecgonine (and all salts, derivatives, and preparations from which cocaine or ecgonine may be synthesized or made) contained in such additional amounts of coca leaves imported under this subsection shall be destroyed under the supervision of an authorized representative of the Attorney General.

EXPORTATION OF CONTROLLED SUBSTANCES

SEC. 1003. [953] (a) It shall be unlawful to export from the United States any narcotic drug in schedule I, II, III, or IV unless—

(1) it is exported to a country which is a party to—

(A) the International Opium Convention of 1912 for the Suppression of the Abuses of Opium, Morphine, Cocaine, and Derivative Drugs, or to the International Opium Convention signed at Geneva on February 19, 1925; or

(B) the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs concluded at Geneva, July 13, 1931, as amended by the protocol signed at Lake Success on December 11, 1946, and the protocol bringing under international control drugs outside the scope of the convention of July 13, 1931, for limiting the manufacture and regulating the distribution of narcotic drugs (as amended by the protocol signed at Lake Success on December 11, 1946), signed at Paris, November 19, 19[illegible] or

(C) the Single Convention on Narcotic Drugs, 1961, signed at New York, March 30, 1961;

(2) such country has instituted and maintains, in conformity with the conventions to which it is a party, a system for the control of imports of narcotic drugs which the Attorney General deems adequate;

(3) the narcotic drug is consigned to a holder of such permits or licenses as may be required under the laws of the country of import, and a permit or license to import such drug has been issued by the country of import;

(4) substantial evidence is furnished to the Attorney General by the exporter that (A) the narcotic drug is to be applied exclusively to medical or scientific uses within the country of import, and (B) there is an actual need for the narcotic drug for medical or scientific uses within such country; and

(5) a permit to export the narcotic drug in each instance has been issued by the Attorney General.

(b) Notwithstanding subsection (a), the Attorney General may authorize any narcotic drug (including crude opium and coca leaves) in schedule I, II, III, or IV to be exported from the United States to a country which is a party to any of the international instruments mentioned in subsection (a) if the particular drug is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(c) It shall be unlawful to export from the United States any nonnarcotic controlled substance in schedule I or II unless—

(1) it is exported to a country which has instituted and maintains a system which the Attorney General deems adequate for the control of imports of such substances;

(2) the controlled substance is consigned to a holder of such permits or licenses as may be required under the laws of the country of import;

(3) substantial evidence is furnished to the Attorney General that (A) the controlled substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country to which exported, (B) it will not be exported from such country, and (C) there is an actual need for the controlled substance for medical, scientific, or other legitimate uses within the country; and

(4) a permit to export the controlled substance in each instance has been issued by the Attorney General.

(d) Notwithstanding subsection (c), the Attorney General may authorize any nonnarcotic controlled substance in schedule I or II to be exported from the United States if the particular substance is to be applied to a special scientific purpose in the country of destination and the authorities of such country will permit the importation of the particular drug for such purpose.

(e) It shall be unlawful to export from the United States to any other country any nonnarcotic controlled substances in schedule III or IV or any controlled substances in schedule V unless—

(1) there is furnished (before export) to the Attorney General documentary proof that importation is not contrary to the laws or regulations of the country of destination for consumption for medical, scientific, or other legitimate purposes;

(2) it is exported pursuant to such notification or declaration, or in the case of any nonnarcotic controlled substance in schedule III, such export permit, notification, or declaration as the Attorney General may by regulation prescribe; and

(3) in the case of a nonnarcotic controlled substance in schedule IV or V which is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.

TRANSSHIPMENT AND IN-TRANSIT SHIPMENT OF CONTROLLED SUBSTANCES

SEC. 1004. [954] Notwithstanding sections 1002, 1003, and 1007—

(1) A controlled substance in schedule I may—

(A) be imported into the United States for transshipment to another country, or

(B) be transferred or transshipped from one vessel, vehicle, or aircraft to another vessel, vehicle, or aircraft within the United States for immediate exportation,

if and only if it is so imported, transferred, or transshipped (i) for scientific, medical, or other legitimate purposes in the country of destination, and (ii) with the prior written approval of the Attorney General (which shall be granted or denied within 21 days of the request).

(2) A controlled substance in schedule II, III, or IV may be so imported, transferred, or transshipped if and only if advance notice is given to the Attorney General in accordance with regulations of the Attorney General.

POSSESSION ON BOARD VESSELS, ETC., ARRIVING IN OR DEPARTING FROM UNITED STATES

SEC. 1005. [955] It shall be unlawful for any person to bring or possess on board any vessel or aircraft, or on board any vehicle of a carrier, arriving in or departing from the United States or the customs territory of the United States, a controlled substance in schedule I or II or a narcotic drug in schedule III or IV, unless such substance or drug is a part of the cargo entered in the manifest or part of the official supplies of the vessel, aircraft, or vehicle.

EXEMPTION AUTHORITY

SEC. 1006. [956] (a) The Attorney General may by regulation exempt from sections 1002 (a) and (b), 1003, 1004, and 1005 any individual who has a controlled substance (except a substance in schedule I) in his possession for his personal medical use, or for administration to an animal accompanying him, if the lawfully obtained such substance and he makes such declaration (or gives such other notification) as the Attorney General may by regulation require.

(b) The Attorney General may by regulation except any compound, mixture, or preparation containing any depressant or stimulant substance listed in paragraph (a) or (b) of schedule III or in schedule IV or V from the application of all or any part of this title if (1) the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and (2) such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

PERSONS REQUIRED TO REGISTER

SEC. 1007. [957] (a) No person may—

(1) import into the customs territory of the United States from any place outside thereof (but within the United States), or import into the United States from any place outside thereof, any controlled substance, or

(2) export from the United States any controlled substance in schedule I, II, III, or IV,

unless there is in effect with respect to such person a registration issued by the Attorney General under section 1008, or unless such person is exempt from registration under subsection (b).

(b)(1) The following persons shall not be required to register under the provisions of this section and may lawfully possess a controlled substance:

(A) An agent or an employee of any importer or exporter registered under section 1008 if such agent or employee is acting in the usual course of his business or employment.

(B) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of his business or employment.

(C) An ultimate user who possesses such substance for a purpose specified in section 102(25) and in conformity with an exemption granted under section 1006(a).

(2) The Attorney General may, by regulation, waive the requirement for registration of certain importers and exporters if he finds it consistent with the public health and safety; and may authorize any such importer or exporter to possess controlled substances for purposes of importation and exportation.

REGISTRATION REQUIREMENTS

SEC. 1008. [958] (a) The Attorney General shall register an applicant to import or export a controlled substance in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this section. In determining the public interest, the factors enumerated in paragraph (1) through (6) of section 303(a) shall be considered.

(b) Registration granted under this section shall not entitle a registrant to import or export controlled substances other than specified in the registration.

(c) The Attorney General shall register an applicant to import a controlled substance in schedule III, IV, or V or to export a controlled substance in schedule III or IV, unless he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the factors enumerated in paragraphs (1) through (6) of section 303(d) shall be considered.

(d)(1) The Attorney General may deny an application for registration under subsection (a) if he is unable to determine that such registration is consistent with the public interest (as defined in subsection (a)) and with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

(2) The Attorney General may deny an application for registration under subsection (c), or revoke or suspend a registration under subsection (a) or (c), if he determines that such registration is inconsistent with the public interest (as defined in subsection (a) or (c)) or with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part.

(3) The Attorney General may limit the revocation or suspension of a registration to the particular controlled substance, or substances, with respect to which grounds for revocation or suspension exist.

(4) Before taking action pursuant to this subsection, the Attorney General shall serve upon the applicant or registrant an order to show cause as to why the registration should not be denied, revoked, or suspended. The order to show cause shall contain a statement of the basis thereof and shall call upon the applicant or registrant to appear before the Attorney General, or his designee, at a time and place stated in the order, but in no event less than thirty days after the date of receipt of the order. Proceedings to deny, revoke, or suspend shall be conducted pursuant to this subsection in accordance with subchapter II of chapter 5 of title 5 of the United States Code. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or other proceedings under this title or any other law of the United States.

(5) The Attorney General may, in his discretion, suspend any registration simultaneously with the institution of proceedings under this subsection, in cases where he finds that there is an imminent danger to the public health and safety. Such suspension shall continue in effect until the conclusion of such proceedings, including judicial review thereof, unless sooner withdrawn by the Attorney General or dissolved by a court of competent jurisdiction.

(6) In the event that the Attorney General suspends or revoke a registration granted under this section, all controlled substances owned or possessed by the registrant pusuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Attorney General, be seized or placed under seal. No disposition may be made of any controlled substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, except that a court, upon application therefor, may at any time order the sale of perishable controlled substances. Any such order shall require the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances (or proceeds of the sale thereof which have been deposit-

ed with the court) shall be forfeited to the United States; and the Attorney General shall dispose of such controlled substances in accordance with section 511(e) of the Controlled Substances Act.

(e) No registration shall be issued under this part for a period in excess of one year. Unless the regulations of the Attorney General otherwise provide, sections 302(f), 305, and 307 shall apply to persons registered under this section to the same extent such sections apply to persons registered under section 303.

(f) The Attorney General is authorized to promulgate rules and regulations and to charge reasonable fees relating to the registration of importers and exporters of controlled substances under this section.

(g) Persons registered by the Attorney General under this section to import or export controlled substances may import or export (and, for the purpose of so importing or exporting, may possess) such substances to the extent authorized by their registration and in conformity with the other provisions of this title and title II.

(h) A separate registration shall be required at each principal place of business where the applicant imports or exports controlled substances.

(i) Except in emergency situations as described in section 1002(a)(2)(A), prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, the Attorney General shall give manufacturers holding registration for the bulk manufacture of the substance an opportunity for a hearing.

MANUFACTURE OR DISTRIBUTION FOR PURPOSES OF UNLAWFUL IMPORTATION

SEC. 1009. [959] It shall be unlawful for any person to manufacture or distribute a controlled substance in schedule I or II—

(1) intending that such substance be unlawfully imported into the United States; or

(2) knowing that such substance will be unlawfully imported into the United States.

This section is intended to reach acts of manufacture or distribution committed outside the territorial jurisdiction of the United States. Any person who violates this section shall be tried in the United States district court at the point of entry where such person enters the United States, or in the United States District Court for the District of Columbia.

PROHIBITED ACTS A—PENALTIES

SEC. 1010. [960] (a) Any person who—

(1) contrary to section 1002, 1003, or 1007, knowingly or intentionally imports or exports a controlled substance,

(2) contrary to section 1005, knowingly or intentionally brings or possesses on board a vessel, aircraft, or vehicle a controlled substance, or

(3) contrary to section 1009, manufactures or distributes a controlled substance,

shall be punished as provided in subsection (b).

(b)(1) In the case of a violation under subsection (a) of this section involving—

(A) 100 grams or more of a mixture or substance containing a detectable amount of a narcotic drug in schedule I or II other than a narcotic drug consisting of—

(i) coca leaves;

(ii) a compound, manufacture, salt, derivative, or preparation of coca leaves; or

(iii) a substance chemically identical thereto;

(B) a kilogram or more of any other narcotic drug in schedule I or II;

(C) 500 grams or more of phencyclidine (PCP);

(D) 5 grams or more of lysergic acid diethylamide (LSD); the person committing such violation shall be imprisoned for not more than twenty years, or fined not more than $250,000, or both.

(2) In the case of a violation under subsection (a) with respect to a controlled substance in schedule I or II, the person committing such violation shall, except as provided in paragraphs (1) and (3), be imprisoned not more than fifteen years, or fined not more than $125,000, or both.

(3) In the case of a violation under subsection (a) with respect to less than 50 kilograms of marihuana, less than 10 kilograms of hashish, less than one kilogram of hashish oil, or any quantity of a controlled substance in schedule III, IV, or V, the person committing such violation shall, except as provided in paragraph (4); be imprisoned not more than five years, or be fined not more than $50,000, or both.

PROHIBITED ACTS B—PENALTIES

SEC. 1011. [961] Any person who violates section 1004 shall be subject to the following penalties:

(1) Except as provided in paragraph (2), any such person shall, with respect to any such violation, be subject to a civil penalty of not more than $25,000. Sections 402(c)(1) and (c)(3) shall apply to any civil penalty assessed under this paragraph.

(2) If such a violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally and the trier of fact specifically finds that the violation was so committed, such person shall be sentenced to imprisonment for not more than one year or a fine of not more than $25,000 or both.

SECOND OR SUBSEQUENT OFFENSES

SEC. 1012. [962] (a) Any person convicted of any offense under this part is, if the offense is a second or subsequent offense, punishable by a term of imprisonment twice that otherwise authorized, by twice the fine otherwise authorized, or by both.

(b) For purposes of this section, a person shall be considered convicted of a second or subsequent offense if, prior to the commission of such offense, one or more prior convictions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final.

(c) Section 411 shall apply with respect to any proceeding to sentence a person under this section.

ATTEMPT AND CONSPIRACY

SEC. 1013. [963] Any person who attempts or conspires to commit any offense defined in this title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

ADDITIONAL PENALTIES

SEC. 1014. [964] Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

APPLICABILITY OF PART E OF TITLE II

SEC. 1015. [965] Part E of title II shall apply with respect to functions of the Attorney General (and of officers and employees of the Bureau of Narcotics and Dangerous Drugs) under this title, to administrative and judicial proceedings under this title, and to violations of this title, to the same extent that such part applies to functions of the Attorney General (and such officers and employees) under title II, to such proceedings under title II, and to violations of title II. For purposes of the application of this section to section 510 or 511, any reference in such section 510 or 511 to "this title" shall be deemed to be a reference to title III, any reference to section 303 shall be deemed to be a reference to section 1008, and any reference to section 302(d) shall be deemed to be a reference to section 1007(b)(2).

AUTHORITY OF SECRETARY OF TREASURY

SEC. 1016. [966] Nothing in this Act shall derogate from the authority of the Secretary of the Treasury under the customs and related laws.

CRIMINAL FORFEITURES

SEC. 1017. [970] Section 413 of title II, relating to criminal forfeitures, shall apply in every respect to a violation of this title punishable by imprisonment for more than one year.

PART B—AMENDMENTS AND REPEALS, TRANSITIONAL AND EFFECTIVE DATE PROVISIONS

REPEALS

SEC. 1101. (a) The following provisions of law are repealed:

(1) The Act of February 23, 1887 (21 U.S.C. 191–193).

(2) The Narcotic Drugs Import and Export Act (21 U.S.C. 171, 173, 174–184, 185).

(3) The Act of March 28, 1928 (31 U.S.C. 529a).

(4) Sections 2(b), 6, 7, and 8 of the Act of June 14, 1930 (21 U.S.C. 162(b), 173a, 197, 198).

(5) The Act of July 3, 1930 (21 U.S.C. 199).

(6) Section 6 of the Act of March 28, 1928 (31 U.S.C. 529g).

(7) The Opium Poppy Control Act of 1942 (21 U.S.C. 188-188n).

(8) Section 15 of the Act of August 1, 1956 (48 U.S.C. 1421m).

(9) The Act of July 11, 1941 (21 U.S.C. 184a).

(10) The Narcotics Manufacturing Act of 1960 (21 U.S.C. 501-517).

(b)(1)(A) Chapter 68 of title 18 of the United States Code (relating to narcotics) is repealed.

(B) The item relating to such chapter 68 in the analysis of part I of such title 18 is repealed.

(2)(A) Section 3616 of title 18 of the United States Code (relating to use of confiscated motor vehicles) is repealed.

(B) The item relating to such section 3616 in the analysis of chapter 229 of such title 18 is repealed.

(3)(A) Subchapter A of chapter 39 of the Internal Revenue Code of 1954 (relating to narcotic drugs and marihuana) is repealed.

(B) The table of subchapters of such chapter 39 is amended by striking out

"SUBCHAPTER A. Narcotic drugs and marihuana."

(4)(A) Sections 7237 (relating to violation of laws relating to narcotic drugs and to marihuana) and 7238 (relating to violation of laws relating to opium for smoking) of the Internal Revenue Code of 1954 are repealed.

(B) The table of sections of part II of subchapter A of chapter 75 of the Internal Revenue Code of 1954 is amended by striking out the items relating to such sections 7237 and 7238.

(5)(A) Section 7491 of the Internal Revenue Code of 1954 (relating to burden of proof of exemptions in case of marihuana offenses) is repealed.

(B) The table of sections for subchapter E of chapter 76 of the Internal Revenue Code of 1954 is amended by striking out the item relating to such section 7491.

CONFORMING AMENDMENTS

SEC. 1102. [4901(a)] (a) Section 4901(a) of the Internal Revenue Code of 1954 is amended by striking out the comma immediately before "4461" and inserting in lieu thereof "or", and by striking out ", 4721 (narcotic drugs), or 4751 (marihuana)".

(b) Section 4905(b)(1) of the Internal Revenue Code of 1954 (relating to registration) is amended by striking out ", narcotics, marihuana," and ", 4722, 4753,".

(c) Section 6808 of the Internal Revenue Code of 1954 (relating to special provisions relating to stamps) is amended by striking out paragraph (8).

(d) Section 7012 of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out subsections (a) and (b).

(e) Section 7103(d)([illegible]) of the Internal Revenue Code of 1954 (relating to bonds required with respect to certain products) is amended by striking out subparagraph (D).

(f) Section 7326 of the Internal Revenue Code of 1954 (relating to disposal of forfeited or abandoned property in special cases) is amended by striking out subsection (b).

(g)(1) Section 7607 of the Internal Revenue Code of 1954 (relating to additional authority for Bureau of Narcotics and Bureau of Customs) is amended—

(A) by striking out "The Commissioner, Deputy Commissioner, Assistant to the Commissioner, and agents of the Bureau of Narcotics of the Department of the Treasury, and officers" and inserting in lieu thereof "Officers";

(B) by striking out in paragraph (2) "narcotic drugs (as defined in section 4731) or marihuana (as defined in section 4761)" and inserting in lieu thereof "narcotic drugs (as defined in section 102(16) of the Controlled Substances Act) or marihuana (as defined in section 102(15) of the Controlled Substances Act)"; and

(C) by striking out "Bureau of Narcotics and" in the section heading.

(2) The item relating to section 7607 in the table of contents of subchapter A of chapter 78 of the Internal Revenue Code of 1954 is amended by striking out "Bureau of Narcotics and".

(h) Section 7609(a) of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out paragraphs (3) and (4).

(i) Section 7641 of the Internal Revenue Code of 1954 (relating to supervision of operations of certain manufacturers) is amended by striking out "opium suitable for smoking purposes,".

(j) Section 7651 of the Internal Revenue Code of 1954 (relating to administration and collection of taxes in possessions) is amended by striking out "and in sections 4705(b), 4735, and 4762 (relating to taxes on narcotic drugs and marihuana)".

(k) Section 7655(a) of the Internal Revenue Code of 1954 (relating to cross references) is amended by striking out paragraphs (3) and (4).

(l) Section 2901(a) of title 28 of the United States Code is amended by striking out "as defined by section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined by section 102(16) of the Controlled Substances Act".

(m) The last sentence of the second paragraph of section 584 of the Act of June 17, 1930 (19 U.S.C. 1584), is amended to read as follows: "As used in this paragraph, the terms 'opiate' and 'marihuana' shall have the same meaning given those terms by sections 102(17) and 102(15), respectively, of the Controlled Substances Act."

(n)(1) The first section of the Act of August 7, 1939 (31 U.S.C. 529a), is repealed.

(2) Section 3 of such Act (31 U.S.C. 529d) is amended by striking out "or the Commissioner of Narcotics, as the case may be,".

(3) Section 4 of such Act (31 U.S.C. 529e) is amended by striking out "or narcotics" each place it appears.

(4) Section 5 of such Act (31 U.S.C. 529f) is amended by striking out "or narcotics" in the first sentence.

(o) Section 308(c)(2) of the Act of August 27, 1935 (40 U.S.C. 304m) is amended by striking out "Narcotic Drug Import and Export Act" and inserting in lieu thereof "Controlled Substances Act".

(p) Paragraph (a) of section 301 of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411) is amended by striking out "as defined in section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined in section 102(16) of the Controlled Substances Act."

(r) Paragraph (d) of section 7 of the Act of August 9, 1939 (49 U.S.C. 787) is amended to read as follows:

"(d) The term 'narcotic drug' shall have the meaning given that term by section 102(16) of the Controlled Substances Act and shall also include marihuana as defined by section 102(15) of such Act;".

(s) Paragraph (a) of section 4251 of title 18, United States Code, is amended by striking out "as defined in section 4731 of the Internal Revenue Code of 1954, as amended," and inserting in lieu thereof "as defined in section 102(16) of the Controlled Substances Act".

(t) The first section of the Act of August 11, 1955 (21 U.S.C. 198a), is amended to read as follows: "That for the purpose of any investigation which, in the opinion of the Secretary of the Treasury, is necessary and proper to the enforcement of section 545 of title 18 of the United States Code (relating to smuggling goods into the United States) with respect to any controlled substance (as defined in section 102 of the Controlled Substances Act), the Secretary of the Treasury may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of records (including books, papers, documents, and tangible things which constitute or contain evidence) relevant or material to the investigation. The attendance of witnesses and the production of records may be required from any place within the customs territory of the United States, except that a witness shall not be required to appear at any hearing distant more than 100 miles from the place where he was served with subpena. Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Oaths and affirmations may be made at any place subject to the jurisdiction of the United States."

PENDING PROCEEDINGS

SEC. 1103. [171n] (a) Prosecutions for any violation of law occurring prior to the effective date of section 1101 shall not be affected by the repeals or amendments made by such section or section 1102, or abated by reason thereof.

(b) Civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of section 1101 shall not be affected by the repeals or amendments made by such section or section 1102, or abated by reason thereof.

PROVISIONAL REGISTRATION

SEC. 1104. [957n] (a)(1) Any person—

(A) who is engaged in importing or exporting any controlled substance on the day before the effective date of section 1007,

(B) who notifies the Attorney General that he is so engaged, and

(C) who is registered on such day under section 510 of the Federal Food, Drug, and Cosmetic Act or under section 4722 of the Internal Revenue Code of 1954,

shall, with respect to each establishment for which such registration is in effect under any such section, be deemed to have a provisional registration under section 1008 for the import or export (as the case may be) of controlled substances.

(2) During the period his provisional registration is in effect under this section, the registration number assigned such person under such section 510 or under such section 4722 (as the case may be) shall be his registration number for purposes of part A of this title.

(b) The provisions of section 304, relating to suspension and revocation of registration, shall apply to a provisional registration under this section.

(c) Unless sooner suspended or revoked under subsection (b), a provisional registration of a person under subsection (a)(1) of this section shall be in effect until—

(1) the date on which such person has registered with the Attorney General under section 1008 or has had his registration denied under such section, or

(2) such date as may be prescribed by the Attorney General for registration of importers or exporters, as the case may be,

whichever occurs first.

EFFECTIVE DATES AND OTHER TRANSITIONAL PROVISIONS

SEC. 1105. (a) Except as otherwise provided in this section, this title shall become effective on the first day of the seventh calendar month that begins after the day immediately preceding the date of enactment.

(b) Sections 1000, 1001, 1006, 1015, 1016, 1103, 1104, and this section shall become effective upon enactment.

(c)(1) If the Attorney General, pursuant to the authority of section 704(c) of title II, postpones the effective date of section 306 (relating to manufacturing quotas) for any period beyond the date specified in section 704(a) and such postponement applies to narcotic drugs, the repeal of the Narcotics Manufacturing Act of 1960 by paragraph (10) of section 1101(a) of this title is hereby postponed for the same period, except that the postponement made by this paragraph shall not apply to the repeal of sections 4, 5, 13, 15, and 16 of that Act.

(2) Effective for any period of postponement, by paragraph (1) of this subsection, of the repeal of provisions of the Narcotics Manufacturing Act of 1960, that Act shall be applied subject to the following modifications:

(A) The term "narcotic drug" shall mean a narcotic drug as defined in section 102(16) of title II, and all references, in the Narcotics Manufacturing Act of 1960, to a narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954 are amended to refer to a narcotic drug as defined by such section 102(16).

(B) On and after the date prescribed by the Attorney General pursuant to clause (2) of section 703(c) of title II, the requirements of a manufacturer's license with respect to a basic class of narcotic drug under the Narcotics Manufacturing Act of 1960, and of a registration under section 4722 of the Internal Revenue Code of 1954 as a prerequisite to issuance of such a license, shall be superseded by a requirement of actual registration (as distinguished from provisional registration) as a manufacturer of that class of drug under section 303(a) of title II.

(C) On and after the effective date of the repeal of such section 4722 by section 1101(b)(3) of this title, but prior to the date specified in subparagraph (B) of this paragraph, the requirement of registration under such section 4722 as a prerequisite of a manufacturer's license under the Narcotics Manufacturing Act of 1960 shall be superseded by a requirement of either (i) actual registration as a manufacturer under section 303 of title II or (ii) provisional registration (by virtue of a preexisting registration under such section 4722) under section 703 of title II.

(d) Any orders, rules, and regulations which have been promulgated under any law affected by this title and which are in effect on the day preceding enactment of this title shall continue in effect until modified, superseded, or repealed.

B.

CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT

(P.L. 91-508; CHAPTER 53,
SUBCHAPTER II AS AMENDED),
31 U.S.C. SECTIONS 5316-5321

Sec. 5316. Reports on exporting and importing monetary instruments

(a) Except as provided in subsection (c) of this section, a person or an agent or a bailee of the person shall file a report under subsection (b) of this section when a person, agent, or bailee knowlingly

- (1) transports or has transported or attempts to transport monetary instruments of more than $10,000 at one time-
  - (A) from a place in the United States to or through a place outside the United States; or
  - (B) to a place in the United States from or through a place outside the United States; or
- (2) receives monetary instruments of more than $5,000 at one time transported into the United States from or through a place outside the United States.

(b) A report under this section shall be filed at the time and place the Secretary of the Treasury prescribes. The report shall contain the following information to the extent the Secretary prescribes:

- (1) the legal capacity in which the person filing the report is acting.
- (2) the origin, destination, and route of the monetary instruments.
- (3) when the monetary instruments are not legally and beneficially owned by the person transporting the instruments, or if the person transporting the instruments personally is not going to use them, the identity of the person that gave the instruments to the person transporting them, the identity of the person who is to receive them, or both.
- (4) the amount and kind of monetary instruments transported.
- (5) additional information.

(c) This section or a regulation under this section does not apply to a common carrier of passengers when a passenger possesses a monetary instrument, or to a common carrier of goods if the shipper does not declare the instrument.

AVAILABLE

Sec. 5317. Search and forfeiture of monetary instruments

(a) The Secretary of the Treasury may apply to a court of competent jurisdiction for a search warrant when the Secretary reasonably believes a monetary instrument is being transported and a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. The Secretary shall include a statement of information in support of the warrant. On a showing of probable cause, the court may issue a search warrant for a designated person or a designated or described place or physical object. This subsection does not affect the authority of the Secretary under another law.

(b) A customs officer may stop and search, without a search warrant, a vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States with respect to which or whom the officer has reasonable cause to believe there is a monetary instrument being transported in violation of section 5316 of this title.

(c) A monetary instrument being transported may be seized and forfeited to the United States Government when a report on the instrument under section 5316 of this title has not been filed or contains a material omission or misstatement. A monetary instrument transported by mail or a common carrier, messenger, or bailee is being transported under this subsection from the time the instrument is delivered to the United States Postal Service, common carrier, messenger, or bailee through the time it is delivered to the addressee, intended recipient, or agent of the addressee or intended recipient without being transported further in, or taken out of, the United States.

Section 5318. Compliance and exemptions

The Secretary of the Treasury may (except under section 5315 of this title and regulations prescribed under section 5315)-

(1) delegate duties and powers under this subchapter to an appropriate supervising agency;

(2) require a class of domestic financial institutions to maintain appropriate procedures to ensure compliance with this subchapter and regulations prescribed under this subchapter; and

(3) prescribe an appropriate exemption from a requirement under this subchapter and regulations prescribed under this subchapter. The Secretary may revoke an exemption by actually or constructively notifying the parties affected. A revocation is effective during judicial review.

Section 5319. Availability of reports

The Secretary of the Treasury shall make information in a report filed under section 5313, 5314, or 5316 of this title available to an agency on request of the head of the agency. The report shall be available for a purpose consistent with those sections of a regulation prescribed under those sections. However, a report and records of reports are exempt from disclosure under section 552 of title 5.

Section 5320. Injunctions

When the Secretary of the Treasury believes a person has violated, is violating, or will violate this subchapter or a regulation prescribed or order issued under this subchapter, the Secretary may bring a civil action in the appropriate district court of the United States or appropriate United States court of a territory or possession of the United States to enjoin the violation or to enforce compliance with the subchapter, regulation, or order. An injunction or temporary restraining order shall be issued without bond.

Section 5321. Civil penalties

(a)(1) A domestic financial institution, and a partner, director, officer, or employee of a domestic financial institution, willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315) is liable to the United States Government for a civil penalty of not more than $10,000. For a violation of section 5318(2) of this title or a regulation prescribed under section 5318(2), a separate violation occurs for each day the violation continues and at each office, branch, or place of business at which a violation occurs or continues.

(2) The Secretary of the Treasury may impose an additional civil penalty on a person not filing a report, or filing a report containing a material omission or misstatement, under section 5316 of this title or a regulation prescribed under section 5316. A civil penalty under this paragraph may not be more than the amount of the monetary instrument for which the report was required. A civil penalty under this paragraph is reduced by an amount forfeited under section 5317(b) of this title.

(3) A person not filing a report under a regulation prescribed under section 5315 of this title or not complying with an injunction under section 5320 of this title enjoining a violation of, or enforcing compliance with, section 5315 or a regulation prescribed under section 5315, is liable to the Government for a civil penalty of not more than $10,000.

(b) The Secretary may bring a civil action to recover a civil penalty under subsection (a)(1) or (2) of this section that has not been paid.

(c) The Secretary may remit any part of a forfeiture under section 5317(b) of this title or civil penalty under subsection (a)(2) of this section.

Section 5322. Criminal penalties

(a) A person willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315) shall be fined not more than $250,000, or imprisonment not more than five years, or both.

(b) A person willfully violating this subchapter or a regulation prescribed under this subchapter (except section 5315 of this title or a regulation prescribed under section 5315), while violating another law of the United States or as part of a pattern of illegal activity involving transactions of more than $100,000 in a 12-month period, shall be fined not more than $500,000, imprisoned for not more than 5 years, or both.

(c) For a violation of section 5318(2) of this title or a regulation prescribed under section 5318(2), a separate violation occurs for each day the violation continues and at each office, branch, or place of business at which a violation occurs or continues.

Section 5323. Rewards for informants

"(a) The Secretary may pay a reward to an individual who provides original information which leads to a recovery of a criminal fine, civil penalty, or forfeiture, which exceeds $50,000, for a violation of this chapter.

"(b) The Secretary shall determine the amount of a reward under this section. The Secretary may not award more than 25 per centum of the net amount of the fine, penalty, or forfeiture collected or $150,000, whichever is less.

"(c) An officer or employee of the United States, a State, or a local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

C.

POSSESSION OR TRANSFER OF A CONTROLLED SUBSTANCE, ON BOARD OR ON THE HIGH SEAS, FOR IMPORT INTO THE UNITED STATES (P.L. 96-350)

Sections were not enacted as part of the Comprehensive Drug Abuse Prevention and Control Act of 1970, but have been codified as part of the Controlled Substance Act in the United States Code (21 U.S.C. 955a through 955d)

An Act

To facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is unlawful for any person on board a vessel of the United States, or on board a vessel subject to the jurisdiction of the United States on the high seas, to knowingly or intentionally manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance.

(b) It is unlawful for a citizen of the United States on board any vessel to knowingly or intentionally manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance.

(c) It is unlawful for any person on board any vessel within the customs waters of the United States to knowingly or intentionally manufacture or distribute, or to possess with intent to manufacture or distribute, a controlled substance.

(d) It is unlawful for any person to possess, manufacture, or distribute a controlled substance—

(1) intending that it be unlawfully imported into the United States; or

(2) knowing that it will be unlawfully imported into the United States.

(e) Subsections (a), (b), and (c) do not apply to a common or contract carrier, or an employee thereof, who possesses or distributes a controlled substance in the lawful and usual course of the carrier's business or to a public vessel of the United States, or any person on board such a vessel who possesses or distributes a controlled substance in the lawful course of his duties, if the controlled substance is a part of the cargo entered in the vessel's manifest and is intended to be lawfully imported into the country of destination for scientific, medical, or other legitimate purposes. It shall not be necessary for the United States to negative the exception set forth in this subsection in any complaint, information, indictment, or other pleading or in any trial or other proceeding. The burden of going forward with the evidence with respect to this exception is upon the person claiming its benefit.

(f) Any person who violates this section shall be tried in the United States district court at the point of entry where that person enters the United States, or in the United States District Court for the District of Columbia.

(g)(1) Any person who commits an offense defined in subsection (a), (b), (c) or (d) of this section shall be punished in accordance with the penalties set forth in section 1010 of the Comprehensive Act.

(2) Notwithstanding paragraph (1) of this subsection, any person convicted of an offense under this Act shall be punished in accordance with the penalties set forth in section 1012 of the Comprehensive Act if such offense is a second or subsequent offense as defined in section 1012(b) of that Act.

(h) This section is intended to reach acts of possession, manufacture, or distribution committed outside the territorial jurisdiction of the United States.

SEC. 2. As used in this Act—

(a) "Customs waters" means those waters as defined in section 401(j) of the Tariff Act of 1930 (19 U.S.C. 1401(j)).

(b) "High seas" means all waters beyond the territorial seas of the United States and beyond the territorial seas of any foreign nation.

(c) "Vessel of the United States" means any vessel documented under the laws of the United States, or numbered as provided by the Federal Boat Safety Act of 1971, as amended, or owned in whole or in part by the United States or a citizen of the United States, or a corporation created under the laws of the United States, or any State, Territory, District, Commonwealth, or possession thereof, unless the vessel has been granted nationality by a foreign nation in accordance with article 5 of the Convention on the High Seas, 1958.

(d) "Vessel subject to the jurisdiction of the United States" includes a vessel without nationality or a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of article 6 of the Convention on the High Seas, 1958.

(e) "Comprehensive Act" means the Comprehensive Drug Abuse Control and Prevention Act of 1970 (21 U.S.C. 801-966). All terms used in this Act that are defined in the Comprehensive Act have the meanings assigned to them by that Act.

SEC. 3. Any person who attempts or conspires to commit any offense defined in this Act is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

SEC. 4. Any property described in section 511(a) of the Comprehensive Act that is used or intended for use to commit, or to facilitate the commission of, an offense under this Act shall be subject to seizure and forfeiture in the same manner as similar property seized or forfeited under section 511 of the Comprehensive Act.

Approved September 15, 1980.

D.

AGRICULTURE-ENVIRONMENT AND CONSUMER PROTECTION APPROPRIATIONS ACT, FY 1972 (Public Law 92-73; Title I, Sec. 508: Federal subsidies and harvesting of wild marihuana)

TITLE I-AGRICULTURAL PROGRAMS

SEC. 508. No part of the fund contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

This Act may be cited as the "Agricultural-Environment and Consumer Protection Appropriations Act, 1972."

E.

AUTHORIZATION FOR UNITED STATES CONTRIBUTION TO: ASIAN DEVELOPMENT BANK (P.L. 92-245; Section 19) INTER-AMERICAN DEVELOPMENT BANK (P.L. 92-246; Section 22) INTERNATIONAL DEVELOPMENT ASSOCIATION (P.L. 92-247; Section 13)

Public Law 92-245; Section 2. The Asian Development Bank Act is amended by adding at the end thereof the following new section:

> "Section 19. The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Public Law 92-246; Section 2. The Inter-American Development Bank Act is amended by adding at the end thereof the following new section:

> "Section 22. The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in

parts, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

Public Law 92-247; Section 2. The International Development Association Act is amended by adding at the end thereof the following new section: "Section 13. The Secretary of the Treasury shall

> instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances."

F.

TRADE ACT OF 1974
(P.L. 93-618; TITLE VI, SEC. 606)

SEC. 606. INTERNATIONAL DRUG CONTROL.

The President shall submit a report to Congress at least once each calendar year listing those foreign countries in which narcotic drugs and other controlled substances (as listed under section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) are produced, processed, or transported for unlawful entry into the United States. Such report shall include a description of the measures such countries are taking to prevent such production, processing, or transport.

G.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980
(P.L. 96-533; TITLE IV, SEC. 402: Authorized uses of narcotics control aid funds for Colombia)

TITLE IV—OTHER ASSISTANCE PROGRAMS

INTERNATIONAL NARCOTICS CONTROL

Sec. 402.(a) * * *

(b) * * *

(c) Notwithstanding the provisions of section 482(a)(2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program.

H.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1982 (P.L. 97-86; Chapter 18, Sections 371-378: Cooperation by Armed Forces in drug law enforcement)

"§ 371. Use of information collected during military operations

"The Secretary of Defense may, in accordance with other applicable law, provide to Federal, State, or local civilian law enforcement officials any information collected during the normal course of military operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials.

"§ 372. Use of military equipment and facilities

"The Secretary of Defense may, in accordance with other applicable law, make available any equipment, base facility, or research facility of the Army, Navy, Air Force, or Marine Corps to any Federal, State, or local civilian law enforcement official for law enforcement purposes.

"§ 373. Training and advising civilian law enforcement officials

"The Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment made available under section 372 of this title and to provide expert advice relevant to the purposes of this chapter.

"§ 374. Assistance by Department of Defense personnel

"(a) Subject to subsection (b), the Secretary of Defense, upon request from the head of an agency with jurisdiction to enforce—

"(1) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

"(2) any of sections 274 through 278 of the Immigration and Nationality Act (8 U.S.C. 1324-1328); or

"(3) a law relating to the arrival or departure of merchandise (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)) into or out of the customs territory of the United States (as defined in general headnote 2 of the Tariff Schedules of the United States (19 U.S.C. 1202)) or any other territory or possession of the United States,

may assign personnel of the Department of Defense to operate and maintain or assist in operating and maintaining equipment made available under section 372 of this title with respect to any criminal violation of any such provision of law.

"(b) Except as provided in subsection (c), equipment made available under section 372 of this title may be operated by or with the assistance of personnel assigned under subsection (a) only to the extent the equipment is used for monitoring and communicating the movement of air and sea traffic.

"(c)(1) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used outside the land area of the United States (or any territory or possession of the United States) as a base of operations by Federal law enforcement officials to facilitate the enforcement of a law listed in subsection (a) and to transport such law enforcement officials in connection with such operations, if—

"(A) equipment operated by or with the assistance of personnel assigned under subsection (a) is not used to interdict or to interrupt the passage of vessels or aircraft; and

"(B) the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists.

"(2) For purposes of this subsection, an emergency circumstance may be determined to exist only when—

"(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

"(B) enforcement of a law listed in subsection (a) would be seriously impaired if the assistance described in this subsection were not provided.

"§ 375. Restriction on direct participation by military personnel

"The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any assistance (including the provision of any equipment or facility or the assignment of any personnel) to any civilian law enforcement official under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in an interdiction of a vessel or aircraft, a search and seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

"§ 376. Assistance not to affect adversely military preparedness

"Assistance (including the provision of any equipment or facility or the assignment of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such assistance will adversely affect the military preparedness of the United States. The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any such assistance does not adversely affect the military preparedness of the United States.

"§ 377. Reimbursement

"The Secretary of Defense shall issue regulations providing that reimbursement may be a condition of assistance to a civilian law enforcement official under this chapter.

"§ 378. Nonpreemption of other law

"Nothing in this chapter shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law prior to the enactment of this chapter.".

(2) The tables of chapters at the beginning of subtitle A of such title and at the beginning of part I of subtitle A of such title are amended by adding after the item relating to chapter 17 the following new item:

"18. Military Cooperation With Civilian Law Enforcement Officials .... 371"

(b) Not later than 30 days after the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a comprehensive report to Congress on the operation through the end of such period of chapter 18 of title 10, United States Code (as added by subsection (a)). Such report shall include findings of the Secretary concerning the effect of assistance provided under such chapter.

I.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981
(P.L. 97-113; TITLE V, SEC. 502: Availability of funds for international narcotics control)

TITLE V—OTHER ASSISTANCE PROGRAMS

* * * * * * *

INTERNATIONAL NARCOTICS CONTROL

Sec. 502. (a)(1) * * *[5]

(2)[6] Assistance provided from funds appropriated, before the enactment of this Act, to carry out section 481 of the Foreign Assistance Act of 1961 may be made available for purposes prohibited by subsection (d) of such section as in effect immediately before the enactment of this subsection.

(3)[6] Funds appropriated for the fiscal year 1980 to carry out section 481 of the Foreign Assistance Act of 1961 which were obligated for assistance for the Republic of Colombia may be used for purposes other than those set forth in section 482(a)(2) of that Act[7] as in effect immediately before the enactment of the International Security and Development Cooperation Act of 1980.

(4)[6] Paragraphs (2) and (3) of this subsection shall apply only to the extent provided in advance in an appropriations Act. For such purpose, the funds described in those paragraphs are authorized to be made available for the purposes specified in those paragraphs.

J.

TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1983 (P.L. 97-248: Internal Revenue Service cooperation with other Federal law enforcement agencies)

Subtitle I—Other Provisions

SEC. 351. DISALLOWANCE OF DEDUCTIONS RELATING TO NARCOTICS TRAFFICKING.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280E. EXPENDITURES IN CONNECTION WITH THE ILLEGAL SALE OF DRUGS.

"No deduction or credit shall be allowed for any amount paid or incurred during the taxable year in carrying on any trade or business if such trade or business (or the activities which comprise such trade or business) consists of trafficking in controlled substances (within the meaning of schedule I and II of the Controlled Substances Act) which is prohibited by Federal law or the law of any State in which such trade or business is conducted."

(b) CONFORMING AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec 280E. Expenditures in connection with the illegal sale of drugs."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

SEC. 356. CONFIDENTIALITY AND DISCLOSURE OF RETURNS AND RETURN INFORMATION.

(a) IN GENERAL.— Subsection (i) of section 6103 (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (6) as paragraph (7) and by striking out paragraphs (1), (2), (3), (4), and (5) and inserting in lieu thereof the following:

"(1) DISCLOSURE OF RETURNS AND RETURN INFORMATION FOR USE IN CRIMINAL INVESTIGATIONS.—

"(A) IN GENERAL.—Except as provided in paragraph (6), any return or return information with respect to any specified taxable period or periods shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under subparagraph (B), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal agency who are personally and directly engaged in—

"(i) preparation for any judicial or administrative proceeding pertaining to the enforcement of a specifically designated Federal criminal statute (not involving tax administration) to which the United States or such agency is or may be a party, "(ii) any investigation which may result in such a proceeding, or

"(iii) any Federal grand jury proceeding pertaining to enforcement of such a criminal statute to which the United States or such agency is or may be a party, solely for the use of such officers and employees in such preparation, investigation, or grand jury proceeding.

"(B) APPLICATION FOR ORDER.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, any United States attorney, any special prosecutor appointed under section 593 of title 28, United States Code, or any attorney in charge of a criminal division organized crime strike force established pursuant to section 510 of title 28, United States Code, may authorize an application to a Federal district court judge or magistrate for the order referred to in subparagraph (A). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

"(i) there is reasonable cause to believe, based upon information believed to be reliable, that a specific criminal act has been committed,

"(ii) there is reasonable cause to believe that the return or return information is or may be relevant to a matter relating to the commission of such act, and

"(iii) the return or return information is sought exclusively for use in a Federal criminal investigation or proceeding concerning such act, and the information sought to be disclosed cannot reasonably be obtained, under the circumstances, from another source.

"(2) DISCLOSURE OF RETURN INFORMATION OTHER THAN TAXPAYER RETURN INFORMATION FOR USE IN CRIMINAL INVESTIGATIONS.—

"(A) IN GENERAL.—Except as provided in paragraph (6), upon receipt by the Secretary of a request which meets the requirements of subparagraph (B) from the head of any Federal agency or the Inspector General thereof, or, in the case of the Department of Justice, the Attorney General, the Deputy Attorney General, the Associate Attorney General, any Assistant Attorney General, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, any United States attorney, any special prosecutor appointed under section 593 of title 28, United States Code, or any attorney in charge of a criminal division organized crime strike force established pursuant to section 510 of title 28, United States Code, the Secretary shall disclose return information (other than taxpayer return information) to officers and employees of such agency who are personally and directly engaged in—

"(i) preparation for any judicial or administrative proceeding described in paragraph (1)(A)(i),

"(ii) any investigation which may result in such a proceeding, or

"(iii) any grand jury proceeding described in paragraph (1)(A)(iii), solely for the use of such officers and employees in such preparation, investigation, or grand jury proceeding.

"(B) Requirements.—A request meets the requirements of this subparagraph if the request is in writing and sets forth—

"(i) the name and address of the taxpayer with respect to whom the requested return information relates;

"(ii) the taxable period or periods to which such return information relates;

"(iii) the statutory authority under which the proceeding or investigation described in subparagraph (A) is being conducted; and

"(iv) the specific reason or reasons why such disclosure is, or may be, relevant to such proceeding or investigation.

"(C) Taxpayer identity.—For purposes of this paragraph, a taxpayer's identity shall not be treated as taxpayer return information.

"(3) Disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances.—

"(A) Possible violations of Federal criminal law.—

"(i) In general.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) which may constitute evidence of a violation of any Federal criminal law (not involving tax administration) to the extent necessary to apprise the head of the appropriate Federal agency charged with the responsibility of enforcing such law. The head of such agency may disclose such return information to officers and employees of such agency to the extent necessary to enforce such law.

"(ii) Taxpayer identity.—If there is return information (other than taxpayer return information) which may constitute evidence of a violation by any taxpayer of any Federal criminal law (not involving tax administration), such taxpayer's identity may also be disclosed under clause (i).

"(B) Emergency circumstances.—

"(i) Danger of death or physical injury.—Under circumstances involving an imminent danger of death or physical injury to any individual, the Secretary may disclose return information to the extent necessary to apprise appropriate officers or employees of any Federal or State law enforcement agency of such circumstances.

"(ii) Flight from Federal prosecution.—Under circumstances involving the imminent flight of any individual from Federal prosecution, the Secretary may disclose return information to the extent necessary to apprise appropriate officers or employees of any Federal law enforcement agency of such circumstances.

"(4) USE OF CERTAIN DISCLOSED RETURNS AND RETURN INFORMATION IN JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—

"(A) RETURNS AND TAXPAYER RETURN INFORMATION.—Except as provided in subparagraph (C), any return or taxpayer return information obtained under paragraph (1) may be disclosed in any judicial or administrative proceeding pertaining to enforcement of a specifically designated Federal criminal statute or related civil forfeiture (not involving tax administration) to which the United States or a Federal agency is a party—

"(i) if the court finds that such return or taxpayer return information is probative of a matter in issue relevant in establishing the commission of a crime or the guilt or liability of a party, or

"(ii) to the extent required by order of the court pursuant to section 3500 of title 18, United States Code, or rule 16 of the Federal Rules of Criminal Procedure.

"(B) RETURN INFORMATION (OTHER THAN TAXPAYER RETURN INFORMATION).—Except as provided in subparagraph (C), any return information (other than taxpayer return information) obtained under paragraph (1), (2), or (3)(A) may be disclosed in any judicial or administrative proceeding pertaining to enforcement of a specifically designated Federal criminal statute or related civil forfeiture (not involving tax administration) to which the United States or a Federal agency is a party.

"(C) CONFIDENTIAL INFORMANT; IMPAIRMENT OF INVESTIGATIONS.—No return or return information shall be admitted into evidence under subparagraph (A)(i) or (B) if the Secretary determines and notifies the Attorney General or his delegate or the head of the Federal agency that such admission would identify a confidential informant or seriously impair a civil or criminal tax investigation.

"(D) CONSIDERATION OF CONFIDENTIALITY POLICY.—In ruling upon the admissibility of returns or return information, and in the issuance of an order under subparagraph (A)(ii), the court shall give due consideration to congressional policy favoring the confidentiality of returns and return information as set forth in this title.

"(E) REVERSIBLE ERROR.—The admission into evidence of any return or return information contrary to the provisions of this paragraph shall not, as such, constitute reversible error upon appeal of a judgment in the proceeding.

"(5) DISCLOSURE TO LOCATE FUGITIVES FROM JUSTICE.—

"(A) IN GENERAL.—Except as provided in paragraph (6), the return of an individual or return information with respect to such individual shall, pursuant to and upon the grant of an ex parte order by a Federal district court judge or magistrate under subparagraph (B), be open (but only to the extent necessary as provided in such order) to inspection by, or disclosure to, officers and employees of any Federal agency exclusively for use in locating such individual.

"(B) APPLICATION FOR ORDER.—Any person described in paragraph (1)(B) may authorize an application to a Federal district court judge or magistrate for an order referred to in subparagraph (A). Upon such application, such judge or magistrate may grant such order if he determines on the basis of the facts submitted by the applicant that—

"(i) a Federal arrest warrant relating to the commission of a Federal felony offense has been issued for an individual who is a fugitive from justice,

"(ii) the return of such individual or return information with respect to such individual is sought exclusively for use in locating such individual, and

"(iii) there is reasonable cause to believe that such return or return information may be relevant in determining the location of such individual.

"(6) CONFIDENTIAL INFORMANTS; IMPAIRMENT OF INVESTIGATIONS.—The Secretary shall not disclose any return or return information under paragraph (1), (2), (3)(A), (5), or (7) if the Secretary determines (and, in the case of a request for disclosure pursuant to a court order described in paragraph (1)(B) or (5)(B), certifies to the court) that such disclosure would identify a confidential informant or seriously impair a civil or criminal tax investigation.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (p) of section 6103 (relating to procedure and recordkeeping) is amended—

(A) by striking out "(6)(A)(ii)" in paragraph (3)(A) and inserting in lieu thereof "(7)(A)(ii)",

(B) by striking out "(d)" in paragraph (3)(C)(i) and inserting in lieu thereof "(d), (i)(3)(B)(i),",

(C) by striking out "such requests" in paragraph (3)(C)(i)(II) and inserting in lieu thereof "such requests or otherwise",

(D) by striking out "(i)(1), (2), or (5)" each place it appears in paragraph (4) and inserting in lieu thereof "(i)(1), (2), (3), or (5)",

(E) by striking out "(d)" each place it appears in paragraph (4) and inserting in lieu thereof "(d), (i)(3)(B)(i),", and

(F) by striking out "subsection (i)(6)(A)(ii)" in paragraph (6)(B)(i) and inserting in lieu thereof "subsection (i)(7)(A)(ii)".

(2) Paragraph (2) of section 7213(a) (relating to unauthorized disclosure of information) is amended by striking out "(d)" and inserting in lieu thereof "(d), (i)(3)(B)(i),".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the day after the date of the enactment of this Act.

K.

CARIBBEAN BASIN
ECONOMIC RECOVERY ACT
(P.L. 98-67; TITLE II,
SECTIONS 211 AND 212)

An Act

To promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, to provide for backup withholding of tax from interest and dividends, and for other purposes.

TITLE II—CARIBBEAN BASIN INITIATIVE

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Act".

Subtitle A—Duty-Free Treatment

SEC. 211. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

SEC. 212. BENEFICIARY COUNTRY.

(a)(1) For purposes of this title—

(A) The term "beneficiary country" means any country listed in subsection (b) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title. Before the President designates any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(B) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(C) The term "TSUS" means Tariff Schedules of the United States (19 U.S.C. 1202).

(2) If the President has designated any country as a beneficiary country for purposes of this title, he shall not terminate such designation (either by issuing a proclamation for that purpose or by issuing a proclamation which has the effect of terminating such designation) unless, at least sixty days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(b) In designating countries as "beneficiary countries" under this title the President shall consider only the following countries and territories or successor political entities:

Anguilla
Antigua and Barbuda
Bahamas, The
Barbados
Belize
Costa Rica
Dominica
Dominican Republic
El Salvador
Grenada
Guatemala
Guyana
Haiti
Honduras
Jamaica
Nicaragua
Panama
Saint Lucia
Saint Vincent and the Grenadines
Suriname
Trinidad and Tobago
Cayman Islands
Montserrat
Netherlands Antilles
Saint Christopher-Nevis
Turks and Caicos Islands
Virgin Islands, British

In addition, the President shall not designate any country a beneficiary country under this title—

• • •

(6) if such country does not take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) produced, processed, or transported in such country from entering the United States unlawfully; . . . .

L. 1.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1985 (P.L. 98-473; TITLE I, SEC. 101 (e): Foreign aid cut-off absent adequate drug control)

AN ACT

Making appropriations for foreign assistance for fiscal year ending September 30, 1985, and for other purposes

TITLE V - GENERAL PROVISIONS

Sec. 528. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1984, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotics drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to the United States Government personnel or their dependants or from entering the United States unlawfully.

L. 2.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1985 (P.L. 98-473; TITLE II, CHAPTER III: Forfeiture)

Forfeiture (Provisions other than those amending the Controlled Substances Act)

SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes of the Department of Justice—

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 et seq.) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. 1961 et seq.), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award for such information shall not exceed the lesser of $150,000 or one-fourth of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all amounts from the forfeiture of property under any law enforced or administered by the Department of Justice remaining after the payment of expenses for forfeiture and sale authorized by law.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For fiscal years 1984, 1985, 1986, and 1987, there are authorized to be appropriated such sums as may be necessary for the purposes described in paragraph (1). At the end of each fiscal year, any amount in the fund in excess of the amount appropriated shall be deposited in the general fund of the Treasury of the United States, except that an amount not to exceed $5,000,000 may be carried forward and available for appropriation in the next fiscal year.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

* * *

* In addition to the reproduced provisions, and those amending the Controlled Substances Act, the Chapter contains the following:

(1) Part A, Sections 302-307, of the Forfeiture Chapter amends the Racketeering Influenced and Corrupt Organization Act of 1970 (RICO) along lines parallel to the Part B amendments to the Controlled Substances Act (see section 511 of the Act as reproduced in Part II A of this document)

(2) Part D, amending Sec. 607 of the Tariff Act of 1930 and establishing a Customs Forfeiture Fund was superceded by substantially similiar provisions of P.L. 98-573, the Trade and Tariff Act of 1984, q.v.

L. 3.

CONTINUING APPROPRIATIONS
FOR FISCAL YEAR 1985
NATIONAL NARCOTICS ACT OF 1984
(P.L. 98-473; TITLE II, CHAPTER XIII)

CHAPTER XIII—NATIONAL NARCOTICS ACT

SEC. 1301. This chapter may be cited as the "National Narcotics Act of 1984".

SEC. 1302. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 percent of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National Drug Enforcement Policy Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a Board must have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure—

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 1303. There is established in the executive branch of the Government a Board to be known as the "National Drug Enforcement Policy Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget, and the Director of Central Intelligence and such other officials as may be appointed by the President. Decisions made by the Board pursuant to section 4(a) of this Act shall be acknowledged by each member thereof in writing.

SEC. 1304. (a) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(b) For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary adviser to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(c) In carrying out responsibilities under this section, the Chairman, on behalf of the Board, is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of Government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy, and resources developed under subsection (a) of this section;

(3) review and approve the reprograming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all Government agencies; and

(6) use the mails in the same manner as any other department or agency of the executive branch.

(d) Notwithstanding the authority granted in this section, the Board and the Chairman shall not interfere with routine law enforcement or intelligence decisions of any agency and shall undertake no activity inconsistent with the authorities and responsibilities of the Director of Central Intelligence under the provisions of the National Security Act of 1947, as amended, or Executive Order 12333.

(e) The Administrator of the General Services Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 1305. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 1306. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

"(d) SUPPORT TO NATIONAL DRUG ENFORCEMENT POLICY BOARD.—One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National Drug Enforcement Policy Board and the health issues associated with drug abuse.".

SEC. 1307. This chapter and the amendments made by this chapter shall take effect January 20, 1985.

M.

AVIATION DRUG-TRAFFICKING CONTROL ACT
(P.L. 98-499)

An Act

To amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Drug-Trafficking Control Act".

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1429) is amended by adding at the end thereof the following new subsection:

"TRANSPORTATION, DISTRIBUTION, AND OTHER ACTIVITIES RELATED TO CONTROLLED SUBSTANCES

"(c)(1) The Administrator shall issue an order revoking the airman certificates of any person upon conviction of such person of a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than a law relating to simple possession of a controlled substance), if the Administrator determines that (A) an aircraft was used in the commission of the offense or to facilitate the commission of the offense, and (B) such person served as an airman, or was on board such aircraft, in connection with the commission of the offense or the facilitation of the commission of the offense. The Administrator shall have no authority under this paragraph to review the issue of whether an airman violated a State or Federal law relating to a controlled substance.

"(2) The Administrator shall issue an order revoking the airman certificates of any person if the Administrator determines that (A) such person knowingly engaged in an activity that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance), (B) an aircraft was used to carry out such activity or to facilitate such activity, and (C) such person served as an airman, or was on board such aircraft, in connection with such activity or the facilitation of such activity. The Administrator shall not revoke, and the National Transportation Safety Board on appeal under paragraph (3) shall not affirm the revocation of, a certificate under this paragraph on the basis of any activity if the holder of the certificate is acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity.

"(3) Prior to revoking an airman certificate under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of such certificate an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate is revoked by the Administrator under this subsection may appeal the Administrator's order to the National Transportation Safety Board and the Board shall, after notice and a hearing on the record, affirm or reverse the Administrator's order. In the conduct of its hearings, the National Transportation Safety Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the National Transportation Safety Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within sixty days after being so advised by the Administrator. The person substantially affected by the National Transportation Safety Board's order may obtain judicial review of such order under the provisions of section 1006, and the Administrator shall be made a party to such proceedings.

"(4) For purposes of this subsection, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 609. Amendment, suspension, and revocation of certificates."

is amended by adding at the end thereof

"(c) Transportation, distribution, and other activities related to controlled substances.".

SEC. 3. Section 602(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1422(b)) is amended by inserting "(1)" after "(b)" and by adding at the end thereof the following new paragraph:

"(2)(A) Except as provided in subparagraphs (B) and (C), the Administrator shall not issue an airman certificate to any person whose airman certificate has been revoked under subsection (c) of section 609 of this title during the five-year period beginning on the date of such revocation.

"(B) The Administrator may issue an airman certificate to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if, in addition to the findings required by paragraph (1), the Administrator determines (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

"(C) In any case in which the Administrator has revoked an airman certificate of a person under section 609(c) (1) or (2) as a result of any activity and—

"(i) such person is subsequently acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity; or

"(ii) in the case of a revocation under section 609(c)(1), the judgment of conviction on which the revocation is based is reversed on appeal;

the Administrator shall issue an airman certificate to such person if such person is otherwise qualified to serve as an airman under this section.".

SEC. 4. (a) Section 501(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401(e)) is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2)(A) The Administrator shall issue an order revoking the certificate of registration issued to an owner under this section for an aircraft and each other certificate of registration held by such owner under this section, if the Administrator determines that—

"(i) such aircraft has been used to carry out an activity, or to facilitate an activity, that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance); and

"(ii) the use of the aircraft was permitted by such owner with the knowledge that the aircraft was intended to be used for an activity described in clause (i) of this subparagraph.

For purposes of this paragraph, an owner of an aircraft who is not an individual shall be considered to have permitted the use of an aircraft with knowledge that it was intended to be used for an activity described in clause (i) of this subparagraph only if a majority of the individuals who control such owner or who are involved in forming the major policy of such owner permitted the use of the aircraft with knowledge of such intended use. The Administrator shall not revoke, and the National Transportation Safety Board on appeal under subparagraph (B) shall not affirm the revocation of, a certificate under this paragraph on the basis of any activity if the holder of the certificate is acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity.

"(B) Prior to revoking any certificate of registration under this subsection, the Administrator shall advise the holder thereof of the charges or any reasons relied upon by the Administrator for his proposed action and shall provide the holder of the certificate of registration an opportunity to answer any charges and be heard as to why such certificate should not be revoked. Any person whose certificate of registration is revoked by the Administrator under this subsection may appeal the Administrator's order to the National Transportation Safety Board and the Board shall, after notice and a hearing on the record, affirm or reverse the Administrator's order. In the conduct of its hearings, the National Transportation Safety Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the National Transportation Safety Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within 60 days after being so advised by the Administrator. The person substantially affected by the National Transportation Safety Board's order may obtain judicial review of such order under the provisions of section 1006, and the Administrator shall be made a party to such proceedings.

"(C) For purposes of this paragraph, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(D) Except as provided in subparagraphs (E) and (F), the Administrator shall not issue a certificate of registration to any person who has had a certificate revoked under subparagraph (A) of this paragraph during the five-year period beginning on the date of such revocation.

"(E) The Administrator may issue a certificate of registration for an aircraft to any such person before the end of such five-year period (but not before the end of the one-year period beginning on the date of such revocation) if the Administrator determines that such aircraft is otherwise eligible for registration under this section and (i) that revocation of the certificate for such five-year period would be excessive considering the nature of the offense or the act committed and the burden which revocation places on such person, or (ii) that revocation of the certificate for such five-year period would not be in the public interest. The determinations under clauses (i) and (ii) of the preceding sentence shall be within the discretion of the Administrator and any such determination or failure to make such a determination shall not be subject to administrative or judicial review.

"(F) In any case in which the Administrator has revoked the certificate of registration as a result of any activity and such person is subsequently acquitted of all charges contained in an indictment or information which relate to controlled substances and which arise from such activity, the Administrator shall issue a certificate of registration to such person if such person is otherwise qualified for such a certificate under this section.".

(b) Section 304(a)(9)(A) of the Independent Safety Board Act of 1974 (49 U.S.C. App. 1903(a)(9)(A)) is amended by inserting before the semicolon at the end thereof the following: "and the revocation of any certificate of registration under section 501(e)(2) of such Act".

SEC. 5. (a) Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472) is amended by adding at the end thereof the following new subsection:

"TRANSPORTING CONTROLLED SUBSTANCES WITHOUT AIRMAN CERTIFICATE

"(q) Any person who knowingly and willfully serves in any capacity as an airman without an airman certificate authorizing him to serve in such capacity, in connection with the transportation by aircraft of any controlled substance, where (1) such transportation is punishable by death or imprisonment for a term exceeding one year under a State or Federal law or is provided in connection with any act that is punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance), and (2) such person has knowledge of such transportation, shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or to both such fine and imprisonment. For purposes of this subsection, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

(b) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalties."

is amended by adding at the end thereof

"(q) Transporting controlled substances without airman certificate.".

Sec. 6. Section 902(b) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(b)) is amended—

(1) by striking out "(b) Any person who" and inserting in lieu thereof "(b)(1) Except as provided in paragraph (2), any person who";

(2) by striking out "uses or attempts to use" and inserting in lieu thereof "sells, uses, attempts to use, or possesses with the intent to use"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) Any person who violates paragraph (1) of this subsection (other than by selling a fraudulent certificate) with the intent to commit a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to a controlled substance (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or both.

"(B) Any person who violates paragraph (1) of this subsection by selling a fraudulent certificate with the knowledge that the purchaser intends to use such certificate in connection with the commission of a crime punishable by death or imprisonment for a term exceeding one year under a State or Federal law relating to controlled substances (other than any law relating to simple possession of a controlled substance) shall be subject to a fine not exceeding $25,000 or to imprisonment not exceeding five years, or both.

"(C) For purposes of this paragraph, the term 'controlled substance' has the meaning given such term by section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).".

Sec. 7. This Act and the amendments made by this Act shall apply with respect to acts and violations occurring after the date of enactment of this Act.

Approved October 19, 1984.

SUPPLEMENTAL APPROPRIATIONS ACT, 1985 (P.L. 99-88, TITLE V, SEC. 501: Reports on drug enforcement, DOD and total Federal)

TITLE V

DEPARTMENT OF DEFENSE PLAN FOR DRUG-INTERDICTION PROGRAM

SEC. 501. (a) The Congress finds that—

(1) the drug trafficking problem continues to plague the United States and our national security interests;

(2) the effort to halt the flow of drugs into the United States is one of this Nation's most pressing problems;

(3) the Armed Forces of the United States can make a substantial and unique contribution to the drug interdiction efforts of the United States;

(4) in 1981, Congress enacted chapter 18 of title 10, United States Code, which permitted certain military support to civilian drug interdiction programs; and

(5) the Congress has consistently supported efforts of the military in supporting the drug interdiction programs of civilian agencies within the confines of the Posse Comitatus Act (18 U.S.C. 1385).

(b) Not later than December 31, 1985, the Secretary of Defense shall submit a report, which has been developed in conjunction with the Joint Chiefs of Staff, to the Appropriations and Armed Services Committees of the House of Representatives and the Senate with regard to the role of the Department of Defense in the drug interdiction and law enforcement activities of the United States. Such report shall address:

(1) the roles, mission, and organization of the Department of Defense efforts within the overall drug interdiction and law enforcement programs of the United States;

(2) the relationship of the Department of Defense to the civilian departments and agencies of the United States Government involved in drug interdiction and law enforcement efforts;

(3) the estimated cost of the Department of Defense participation in this program;

(4) any appropriate military assistance, training and equipment which should be provided for drug interdiction purposes to governments in Central and South America.

(c) Nothing in this title shall authorize the Department of Defense to engage in any activities in support of drug interdiction or law enforcement activities not authorized by law.

(d) Not later than December 31, 1985, the President shall report to the Congress as to how the United States Government is organized to interdict drugs and enforce the drug laws of the United States,

including a detailed description of the jurisdiction and responsibilities of the Department of Defense and all other relevant departments and agencies and the mechanisms for coordinating the policy and operational control of the elements of each agency in the drug interdiction and law enforcement mission.

This Act may be cited as the "Supplemental Appropriations Act, 1985".

O.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

(P.L. 99-83; Section 607 and Sections 610-619: Arming of anti-drug aircraft; conditions on foreign assistance to Jamaica, Bolivia and Peru; study on feasibility of a Latin American regional narcotics control organization; report on Armed Forces drug interdiction efforts abroad; Cuban drug trafficking; confidentiality of Foreign bank accounts)

TITLE VI—INTERNATIONAL NARCOTICS CONTROL

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SEC. 607. PROCUREMENT OF WEAPONS TO DEFEND AIRCRAFT INVOLVED IN NARCOTICS CONTROL EFFORTS.

Of the funds available to carry out chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to grant military assistance), $1,000,000 for each of the fiscal years 1986 and 1987 shall be made available to arm, for defensive purposes, aircraft used in narcotic control eradication or interdiction efforts. The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate shall be notified of the use of any such funds for that purpose at least 15 days in advance in accordance with the reprogramming procedures applicable under section 634A of the Foreign Assistance Act of 1961.

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SEC. 610.[19] ASSISTANCE FOR JAMAICA.

In allocating assistance for Jamaica for fiscal year 1986 under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), the President shall give major consideration to whether the Government of Jamaica has prepared, presented, and committed itself to a comprehensive plan or strategy for the control and reduction of illicit cultivation, production, processing, transportation, and distribution of marijuana within a specifically stated period of time.

SEC. 611.[20] ASSISTANCE FOR BOLIVIA.

Assistance may be provided to Bolivia for fiscal years 1986 and 1987 under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

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[19] Title V sec. 527 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(i) of Public Law 99-190, 99 Stat. 1291, provides in part:

Sec. 527. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the governments of those countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: Provided, That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961.

[20] Title V sec. 527 of the Foreign Assistance Appropriations Act, 1986 as contained in sec. 101(i) of Public Law 99-190, 99 Stat. 1291, provides in part:

"That assistance may be provided to Bolivia for Fiscal Year 1986, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

For Fiscal Year 1986—

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for the licensing of the number of hectares necessary to produce the legal requirements, and make unlicensed coca production illegal; and

(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States."

(1) For fiscal year 1986—

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for the licensing of the number of hectares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia has achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States.

(2) For fiscal year 1987, such assistance may not be provided unless the President certifies to the Congress that the Government of Bolivia has developed a plan to eliminate illicit narcotics production countrywide and is prepared to enter into an agreement with the United States to implement that plan. If that certification is made, then—

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has achieved at least half of the eradication target for the calendar year 1986 agreed to by the United States and the Government of Bolivia; and

(B) the remaining amount of such assistance may be provided at any time the President certifies to the Congress that the Government of Bolivia fully achieved that eradication target.

SEC. 612.[19] ASSISTANCE TO PERU.

(a) CONDITIONS ON ASSISTANCE.—United States assistance (as defined by section 481(i)(4) of the Foreign Assistance Act of 1961) may be provided for Peru—

(1) for fiscal year 1986, only if the President reports to the Congress that the Government of Peru has demonstrated substantial progress in developing a plan that will establish its legal coca requirements, license the number of hectares necessary to produce the legal requirement, and eliminate illicit and unlicensed coca production; and

(2) for fiscal year 1987, only if the President reports to the Congress that the Government of Peru has developed such a plan and is implementing it.

(b) UPPER HUALLAGA VALLEY PROJECT.—Funds authorized to be appropriated for fiscal year 1987 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) may be made available for the project of the Agency for International Development in the Upper Huallaga Valley of Peru only if the Administrator of that Agency, after consultation with the Congress, determines that a comprehensive review of that project has been completed which establishes the effectiveness of that project in reducing and eradicating coca leaf production, distribution, and marketing in the Upper Huallaga Valley. The assistance for Peru described in this subsection may be provided only if the report required by subsection (a)(2) has been submitted to the Congress.

SEC. 613. REALLOCATION OF FUNDS IF CONDITIONS NOT MET.

If any of the assistance described in section 611 is not provided for Bolivia beause the conditions specified in that section are not met, or if any of the assistance described in section 612(a) is not provided for Peru because the conditions specified in that section are not met, the President shall reprogram such assistance in order to provide additional assistance to countries which have taken significant steps to halt illicit drug production or trafficking.

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SEC. 615. LATIN AMERICAN REGIONAL NARCOTICS CONTROL ORGANIZATION.

(a) Feasibility Study.—The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall conduct a study of the feasibility of establishing a regional organization in Latin America which would combat narcotics production and trafficking through regional information-sharing and a regional enforcement unit.

(b) Report.—No later than six months after the date of enactment of this Act, a report on the advisability of encouraging the establishment of such an organization shall be submitted to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

SEC. 616. GREATER EFFORT BY UNITED STATES ARMED FORCES TO SUPPORT NARCOTICS CONTROL EFFORTS ABROAD.

No later than 60 days after the date of enactment of this Act, the President shall report to the Congress on why the United States Armed Forces should not exert greater effort in facilitating and supporting interception of narcotics traffickers, and in gathering narcotics-related intelligence, outside the United States.

SEC. 617. CUBAN DRUG TRAFFICKING.

(a) Findings.—The Congress finds that—

(1) the subject of the flow, use, and control of narcotic and psychotropic substances is a matter of great international importance;

(2) the problem of drug abuse and drug trafficking continues to worsen throughout most parts of the world;

(3) the concerns of the governments of many countries have become manifest in several bilateral and multilateral narcotics control projects;

(4) United Nations agencies monitor and apply controls on the flow and use of drugs and coordinate multilateral efforts to control production, trafficking, and abuse of drugs;

(5) the United Nations Fund for Drug Abuse Control funds narcotics projects throughout the world and has been a vehicle since 1971 for multilateral implementation of narcotics control and reduction programs;

(6) the International Narcotics Control Board is charged with monitoring compliance with the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, and Cuba is a party to both Conventions;

(7) the United Nations Commission on Narcotic Drugs is responsible for formulating policies, coordinating activities, supervising the implementation of international conventions, and making recommendations to governments for international drug control;

(8) the promotion of drug abuse and participation in drug trafficking is universally considered egregious criminal behavior wherever it occurs, whether it occurs locally, nationally, or internationally;

(9) a Federal grand jury of the United States has indicted four prominent Cuban officials on charges of conspiring to smuggle drugs into the United States;

(10) United States Government officials have testified at several congressional hearings that the Government of Cuba is facilitating the flow of illicit drugs into the United States in order to obtain hard currency, support guerrilla/terrorist activities, and undermine United States society; and

(11) such alleged conduct on the part of the Government of Cuba would be injurious to the world community and counter to the general principle of international law that no country has the right to use or permit the use of its territory in such a manner as to injure another country or persons therein.

(b) RECOMMENDED ACTIONS.—It is the sense of the Congress that the President should—

(1) acting through the Permanent Representative of the United States to the United Nations, take such steps as may be necessary to place the question of the involvement by the Government of Cuba in illicit drug trafficking on the agenda of the United Nations;

(2) acting through the Representative of the United States to the Organization of American States, request the Organization of American States to consider this question as soon as possible; and

(3) request other appropriate international organizations and international forums to consider this question.

(c) REPORT.—The President shall report to the Congress on the actions taken pursuant to this section.

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SEC. 619.[81] DRUG TRAFFICKING AND THE PROBLEM OF TOTAL CONFIDENTIALITY OF CERTAIN FOREIGN BANK ACCOUNTS.

(a) FINDINGS.—The Congress finds that—

(1) several banks in Latin America and the Caribbean are used by narcotics traffickers as depositories for money obtained in providing illicit drugs to the United States and other countries of the region;

(2) offshore banks which provide total confidentiality provide a service which materially assists the operations of illicit drug traffickers; and

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[81] 22 U.S.C. 2291 note.

(3) cooperation in gaining access to the bank accounts of such narcotics traffickers would materially assist United States authorities in controlling the activities of such traffickers.

(b) POLICY.—The Congress—

(1) requests the President to negotiate treaties or appropriate international agreements with all countries providing confidential banking services (giving high priority to countries in the Caribbean region) to provide disclosure to the United States Govenment of information contained in official records, and in records of bank accounts, concerning persons under investigation for violations of United States law, in particular those regarding international drug trafficking;

(2) directs the President to include reports on the results of such efforts in the annual International Narcotics Control Strategy Report; and

(3) reaffirms its intention to obtain maximum cooperation on the part of all governments for the purpose of halting international drug trafficking, and constantly to evaluate the cooperation of those governments receiving assistance from the United States.

P.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987
(P.L. 99-93; Sections 131-133: International Narcotics Control Commission)

An Act

To authorize appropriations for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1986 and 1987".

SEC. 131. STRENGTHENING THE PERSONNEL SYSTEM OF THE BUREAU OF INTERNATIONAL NARCOTICS MATTERS.

No later than 90 days after the date of the enactment of this Act, the Secretary of State shall report to the Congress on the status of proposals implemented or under consideration to improve the staffing and personnel management in the Bureau of International Narcotics Matters. This report shall explicitly discuss whether a narcotics specialist personnel category in the Foreign Service is an appropriate mechanism to serve these purposes and, if not, what alternatives are contemplated.

SEC. 132. SHARING OF INFORMATION CONCERNING DRUG TRAFFICKERS.

(a) Reporting Systems.—In order to ensure that foreign narcotics traffickers are denied visas to enter the United States, as required by section 212(a)(23) of the Immigration and Naturalization Act (22 U.S.C. 1182(a)(23))—

(1) the Department of State shall cooperate with United States law enforcement agencies, including the Drug Enforcement Administration and the United States Customs Service, in establishing a comprehensive information system on all drug arrests of foreign nationals in the United States, so that that information may be communicated to the appropriate United States embassies; and

(2) the National Drug Enforcement Policy Board shall agree on uniform guidelines which would permit the sharing of information on foreign drug traffickers.

(b) Report.—Not later than six months after the date of the enactment of this Act, the Chairman of the National Drug Enforcement Policy Board shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the steps taken to implement this section.

SEC. 133. EXTRADITION TREATIES.

The Secretary of State, with the assistance of the National Drug Enforcement Policy Board, shall increase United States efforts to negotiate updated extradition treaties relating to narcotics offenses with each major drug-producing country, particularly those in Latin America.

SEC. 814. UNITED STATES INTERNATIONAL NARCOTICS CONTROL COMMISSION.

(a) Establishment.—There is established the United States International Narcotics Control Commission (hereafter in this section referred to as the "Commission").

(b) Duties.—The Commission is authorized and directed—

(1) to monitor and promote international compliance with narcotics control treaties, including eradication and other relevant issues; and

(2) to monitor and encourage United States Government and private programs seeking to expand international cooperation against drug abuse and narcotics trafficking.

(c) Membership.—(1) The Commission shall be composed of 12 members as follows:

(A) 7 Members of the Senate appointed by the President of the Senate, 4 of whom (including the member designated as Chairman) shall be selected from the majority party of the Senate, after consultation with the majority leader, and 3 of whom (including the member designated as Cochairman) shall be selected from the minority party of the Senate, after consultation with the minority leader.

(B) 5 members of the public to be appointed by the President after consultation with the members of the appropriate congressional committees.

(2) There shall be a Chairman and a Cochairman of the Commission.

(d) Powers.—In carrying out this section, the Commission may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Subpoenas may be issued over the signature of the Chairman of the Commission or any member designated by him, and may be served by any person designated by the Chairman or such member. The Chairman of the Commission, or any member designated by him, may administer oaths to any witness.

(e) Report by President to Commission.—In order to assist the Commission in carrying out its duties, the President shall submit to the Commission a copy of the report required by section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2991(e)).

(f) Report to Senate.—The Commission is authorized and directed to report to the Senate with respect to the matters covered by this section on a periodic basis and to provide information to Members of the Senate as requested. For each fiscal year for which an appropriation is made the Commission shall submit to the Congress a report on its expenditures under such appropriation.

(g) Authorization of Appropriations.—(1) There are authorized to be appropriated to the Commission $325,000 for each fiscal year, to remain available until expended, to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this section.

(2) For purposes of section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), the Commission shall be deemed to be a standing committee of the Senate and shall be entitled to the use of funds in accordance with such section.

(h) STAFF.—The Commission may appoint and fix the pay of such staff personnel as it deems desirable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(i) TERMINATION.—The Commission shall cease to exist on September 30, 1987.

Approved August 16, 1985.

Q.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1986 (P.L. 99-145; Section 1421-1424: Provision for specific forms of DOD cooperation in drug law enforcement)

An Act

To authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for the Department of Defense for fiscal year 1986, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize appropriations for fiscal year 1986 for national security programs of the Department of Energy, and for other purposes

PART C—DRUG INTERDICTION, LAW ENFORCEMENT, AND OTHER SPECIFIC PROGRAMS

SEC. 1421. ENHANCED DRUG-INTERDICTION ASSISTANCE

(a) MANDATORY ASSIGNMENT OF COAST GUARD PERSONNEL ON NAVAL VESSELS.—The Secretary of Defense and the Secretary of Transportation shall provide that there be assigned on board each surface naval vessel at sea in a drug-interdiction area at least one member of the Coast Guard who is trained in law enforcement and has power to arrest, search, and seize property and persons suspected of violations of law.

(b) LAW ENFORCEMENT FUNCTIONS.—Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

(2) as are otherwise within the jurisdiction of the Coast Guard.

(c) AUTHORIZATION OF NECESSARY COAST GUARD PERSONNEL; FUNDING.—(1) The active-duty military strength level for the Coast Guard for fiscal year 1986 is increased by 500. Additional members of the Coast Guard who are on active duty by reason of this subsection shall be assigned to duty as provided in subsection (a).

(2) Of the funds appropriated for operation and maintenance for the Navy for fiscal year 1986, the sum of $15,000,000 shall be transferred to the Secretary of Transportation and shall be available only for the additional personnel authorized by paragraph (1).

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "drug-interdiction area" means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.

(2) The term "active-duty military strength level for the Coast Guard for fiscal year 1986" means the full-time equivalent strength level for active-duty military personnel of the Coast

Guard for fiscal year 1986 required to be maintained by section 3 of the Coast Guard Authorization Act of 1984 (Public Law 98-557; 98 Stat. 2860).

SEC. 1422. ESTABLISHMENT, OPERATION, AND MAINTENANCE OF DRUG LAW ENFORCEMENT ASSISTANCE ORGANIZATIONS OF THE DEPARTMENT OF DEFENSE

(a) AUTHORIZATION OF FUNDS FOR ELEMENTS ASSISTING CIVILIAN DRUG INTERDICTION.—(1) There are authorized to be appropriated to the Department of Defense for fiscal year 1986 such sums as may be necessary for the establishment, operation, and maintenance of airborne surveillance, detection, and interdiction units in the Department of Defense.

(2) There are authorized to be appropriated to the Department of Defense for fiscal year 1986 such sums as may be necessary for the operation and maintenance of the Directorate of the Department of Defense Task Force on Drug Law Enforcement.

(b) COMMAND, CONTROL, AND COORDINATION.—A special operations headquarters element shall provide necessary command, control, and coordination of appropriate active or Reserve component special operations forces, combat rescue units, and other units for participation by such forces and units in drug law-enforcement assistance missions.

(c) REPORT ON PLANS TO ENHANCE COOPERATION WITH CIVILIAN DRUG ENFORCEMENT AGENCIES.—Not later than December 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the manner in which the Department of Defense plans to obligate and expend funds appropriated or expected to be appropriated pursuant to the authorizations contained in this section. The report shall include a description of—

(1) actions or proposed actions to establish, operate, and maintain reserve component forces, airborne surveillance, detection, and interdiction units, including—

(A) actions or proposed actions to consolidate or establish, in a Special Operations Wing of the Air Force (reserve or active component), command, control, and coordination of Air Force Special Operations aircraft (including aircraft assigned to the Special Operations Wing of the Regular Air Force on or before March 1, 1985); and

(B) in the case of any such aircraft which are not to remain assigned to a Special Operation Wing of the Air Force, the disposition or planned disposition of those aircraft;

(2) actions and proposed actions to use rotary-wing and fixed-wing aircraft of the Department of Defense as well as other measures necessary to furnish (commensurate with military readiness and the provisions of chapter 18 of title 10, United States Code) optimal support to civilian law enforcement agencies; and

(3) actions and proposed actions to promote dual use between the reserve component forces and civilian law enforcement agencies of the Department of Defense aircraft and other Department of Defense resources made available to civilian law enforcement agencies for the purpose of carrying out drug interdiction missions.

SEC. 1123. MILITARY COOPERATION INFORMATION PROGRAMS FOR CIVILIAN LAW ENFORCEMENT OFFICIALS

(a) Provision of Law Enforcement Assistance Information.—Section 373 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The"; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) At least once each year, the Attorney General of the United States, in consultation with the Secretary of Defense, shall conduct a briefing of law enforcement personnel of each State, including law enforcement personnel of the political subdivisions of each State, regarding information, training, technical assistance, and equipment and facilities available to civilian law enforcement personnel from the Department of Defense.

"(2) Each briefing conducted under paragraph (1) shall include—

"(A) an explanation of the procedures for civilian law enforcement officials—

"(i) to obtain information under section 371 of this title, use of equipment and facilities under section 372 of this title, and training and advice under subsection (a); and

"(ii) to obtain surplus military equipment;

"(B) the types of information, equipment and facilities, and training and advice available to civilian law enforcement officials from the Department of Defense; and

"(C) a current, comprehensive list of military equipment which is suitable for law enforcement purposes and is available to civilian law enforcement officials from the Department of Defense or is available as surplus property from the Administrator of General Services.

"(c) The Attorney General of the United States and the Administrator of General Services shall—

"(1) establish or designate an appropriate office or offices to maintain the list described in subsection (b)(2)(C) and to furnish information to civilian law enforcement officials on the availability of surplus military equipment; and

"(2) make available to civilian law enforcement personnel nationwide, tollfree telephone communication with such office or offices.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on January 1, 1986.

SEC. 1124. STUDY ON THE USE OF THE E-2 AIRCRAFT FOR DRUG INTERDICTION PURPOSES

(a) Study by Secretary of the Navy.—The Secretary of the Navy shall conduct a test of the use of E-2 aircraft of the Navy to determine the effectiveness of that aircraft in drug interdiction. The study shall be conducted along the border between the United States and Mexico and shall be carried out over a period of 6 months.

(b) Collection of Data.—As part of the test, the Secretary shall collect data on the contribution on the use of the E-2 aircraft to the apprehension of drug smugglers. This data shall include the number of intercepts which resulted in apprehensions.

(c) Report.—Not later than September 30, 1986, the Secretary shall submit to Congress a report on the results of the study.

R.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1986 (P.L. 99-190; miscellaneous sections: DOD drug interdiction efforts; conditions on aid to Jamaica, Peru and Bolivia)*

DEPARTMENT OF DEFENSE

* On the general subject of drug interdiction efforts by the Department of Defense, the conference report on House Joint Resolution 465, Further Continuing Appropriations for Fiscal Year 1986 contains the following language:

> DRUG INTERDICTION
>
> PATROL AIRCRAFT FOR CUSTOMS SERVICE
>
> The conferees agree to provide $6,000,000 for modification of two partrol (P-3A) aircraft to be transferred to the Customs Service instead of $7,427,000 as provided by the Senate. Any additional funds required to complete modification of these aircraft should be provided within available resources.
>
> DEPARTMENT OF DEFENSE DRUG INTERDICTION MISSIONS
>
> The conferees provide nearly $300,000,000 to enhance drug interdiction efforts of the Department of Defense. The conferees strongly believe that the Department can and should play a major role in helping to minimize the importation of illegal drugs.

In addition to specific enhancements of drug interdiction contained in this conference report, the conferees provide an appropriation of $35,000,000 to Aircraft Procurement, Air Force to initiate the formation of a drug interdiction element or elements within the Air Force. This level of funding will allow the Air Force to commence the configuration of one AC-130H-30 pressurized drug surveillance aircraft and to establish an appropriate command and control element for the drug interdiction mission within the Air Force.

The conferees believe that the Air Force special operations forces would be the appropriate choice to carry out this new mission. The conferees note that the provisions of the Posse Comitatus Act require that support to civilian law enforcement be provided with no degradation to service combat readiness. Although the Department has considered other approaches, the conferees strongly believe that the best balance of providing peacetime drug interdiction and building wartime combat capability is to purchase and configure the initial AC-130H-30 special operations aircraft for both missions. The conferees believe that this approach will be the most cost-effective in meeting both the drug interdiction and Posse Comitatus objectives of the Department.

To this end, the conferees believe that this new drug interdiction initiative is compatible with and addresses the need for the replacement of aging AC-130 gunships. The configuration of replacement AC-130 pressurized gunships can provide an ideal surveillance and detection aircraft with sensors, communications, and other equipment that is also compatible with the drug interdiction assistance mission. The conferees believe it is important for the Air Force to move promptly to establish this new drug interdiction program. Accordingly, the conferees direct the

Air Force to take the necessary steps to ensure delivery of the first AC-130H-30 pressurized drug interdiction aircraft no later than January 31, 1987. The configuration and schedule for this initial aircraft is predicated on the use of a currently available C-130H-30 stretched variant, in order to permit a pressurized drug interdiction/gunship aircraft. Older gunship configurations are unpressurized and thereby unsuitable for the drug interdiction role and are severly limited in the gunship role. The first aircraft shall be a fully operational drug interdiction aircraft with maximum subsystems integration possible to permit contingency installation of remaining gunship-peculiar equipment in wartime or other national emergency.

The conferees recognize the contracted nature of this schedule and therefore direct the Air Force to immediately proceed with the contracting necessary to assure the needed priorities for the radar and subsystems, CFE airframes and equipment, and other such means of expediting delivery of the aircraft. The conferees strongly support the national consensus for a swift response to the need for DOD assistance against the drug threat. In this regard, the Department should consider budgeting for an additional nine pressurized drug surveillance aircraft in fiscal years 1987 and 1988, in order to allow the Air Force to perform its priority role in assisting the overall drug interdiction effort.

The conferees agree with the Senate position to allocate $7,900,000 in contract savings to purchase two additional Blackhawk helicopters to replace two older Blackhawk helicopters which the Senate directed the Army to transfer to the Customs Service Drug Interdiction Program.

P-3C AIRCRAFT MODIFICATIONS

The conferees agree to the allowance of $396,089,000 for P-3C modications. With respect to the P-3C modification program, the conferees direct the Department, with the available funds, to procure 33 additional update III modification kits for a total of 48 aircraft; to allot $27,500,000 to procure AN/AQA-7 systems with expanded channel capacity and compatibility with the planned advanced acoustic sensors. The conferees direct the Navy to procure sufficient test models of both the AN/AQA-7 improved processor system and improved display system in order to determine fleet operability and suitability. Upon completion of this evaluation, the Navy should obtain the technical data package and compete future procurements. Additionally, the conferees direct that $3,000,000 be made available to modify P-3A aircraft to be turned over to the Customs Service for drug interdiction.

DEPARTMENT OF STATE

SEC. 527. None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after October 1, 1985, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to the United States Government personnel or their dependents from entering the United States unlawfully.

. . .

SEC. 537. Of the funds made available by this Act for Jamaica and Peru, not more than 50 per centum of the funds made available for each country shall be obligated unless the President determines and reports to the Congress that the Governments of these countries are sufficiently responsive to the United States Government concerns on drug control and that the added expenditures of the funds for that country are in the national interest of the United States: Provided, That this provision shall not be applicable to funds made available to carry out section 481 of the Foreign Assistance Act of 1961: Provided further, That assistance may be provided to Bolivia for Fiscal Year 1986, under chapter 2 (relating to grant military assistance), chapter 4 (relating to the economic support fund), and chapter 5 (relating to international military education and training) of part II of the Foreign Assistance Act of 1961, and under chapter 2 of the Arms Export Control Act (relating to foreign military sales financing), only under the following conditions:

For Fiscal Year 1986--

(A) up to 50 percent of the aggregate amount of such assistance allocated for Bolivia may be provided at any time after the President certifies to the Congress that the Government of Bolivia has enacted legislation that will establish its legal coca requirements, provide for the licensing of the number of hectares necessary to produce the legal requirement, and make unlicensed coca production illegal; and

(B) the remaining amount of such assistance may be provided at any time following a certification pursuant to subparagraph (A) if the President certifies to the Congress that the Government of Bolivia achieved the eradication targets for the calendar year 1985 contained in its 1983 narcotics agreements with the United States.

S.

REORGANIZATION PLAN NO. 2 OF 1973 (ESTABLISHING THE DRUG ENFORCEMENT ADMINISTRATION)

REORGANIZATION PLAN NO. 2 OF 1973

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 28, 1973, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.[1]

Law Enforcement in Illicit Drug Activities

SECTION 1. *Transfers to the Attorney General.* There are hereby transferred from the Secretary of the Treasury, the Department of the Treasury, and any other officer or any agency of the Department of the Treasury, to the Attorney General all intelligence, investigative, and law enforcement functions, vested by law in the Secretary, the Department, officers, or agencies which relate to the suppression of illicit traffic in narcotics, dangerous drugs, or marihuana, except that the Secretary shall retain, and continue to perform, those functions, to the extent that they relate to searches and seizures of illicit narcotics, dangerous drugs, or marihuana or to the apprehension or detention of persons in connection therewith, at regular inspection locations at ports of entry or anywhere along the land or water borders of the United States: *Provided,* that any illicit narcotics, dangerous drugs, marihuana, or related evidence seized, and any person apprehended or detained by the Secretary or any officer of the Department of the Treasury, pursuant to the authority retained in them by virtue of this section, shall be turned over forthwith to the jurisdiction of the Attorney General: *Provided further,* that nothing in this section shall be construed as limiting in any way any authority vested by law in the Secretary of the Treasury, the Department of the Treasury, or any other officer or any agency of that Department on the effective date of this Plan with respect to contraband other than illicit narcotics, dangerous drugs, and marihuana: and *Provided further,* that nothing in this section shall be construed as limiting in any way any authority the Attorney General, the Department of Justice, or any other officer or any agency of that Department may otherwise have to make investigations or engage in law enforcement activities, including activities relating to the suppression of illicit traffic in narcotics, dangerous drugs, and marihuana, at ports of entry or along the land and water borders of the United States.

SEC. 2. *Transfers to the Secretary of the Treasury.* There are hereby transferred to the Secretary of the Treasury all functions vested by law in the Attorney General, the Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States: *Provided*, that any person apprehended or detained by the Secretary or his designee pursuant to this section shall be turned over forthwith to the jurisdiction of the Attorney General: and, *Provided further*, that nothing in this section shall be construed as limiting, in any way, any other authority that the Attorney General may have with respect to the enforcement, at ports of entry or elsewhere, of laws relating to persons entering or leaving the United States.

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[1] Effective July 1, 1973, under the provisions of section 10 of the plan.

SEC. 3. *Abolition*. The Bureau of Narcotics and Dangerous Drugs, including the Office of Director thereof, is hereby abolished, and section 3(a) of Reorganization Plan No. 1 of 1968 is hereby repealed. The Attorney General shall make such provision as he may deem necessary with respect to terminating those affairs of the Bureau of Narcotics and Dangerous Drugs not otherwise provided for in this Reorganization Plan.

SEC. 4. *Drug Enforcement Administration*. There is established in the Department of Justice an agency which shall be known as the Drug Enforcement Administration, hereinafter referred to as "the Administration."

SEC. 5. *Officers of the Administration*. (a) There shall be at the head of the Administration the Administrator of Drug Enforcement, hereinafter referred to as "the Administrator." The Administrator shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). He shall perform such functions as the Attorney General shall from time to time direct.

(b) There shall be in the Administration a Deputy Administrator of the Drug Enforcement Administration, hereinafter referred to as "the Deputy Administrator," who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Attorney General may from time to time direct, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(c) The Deputy Administrator or such other official of the Department of Justice as the Attorney General shall from time to time designate shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

SEC. 6. *Performance of transferred functions*. (a) The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Reorganization Plan by any officer, employee, or agency of the Department of Justice.

(b) The Secretary of the Treasury may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Reorganization Plan by any officer, employee, or agency of the Department of the Treasury.

Sec. 7. *Coordination.* The Attorney General, acting through the Administrator and such other officials of the Department of Justice as he may designate, shall provide for the coordination of all drug law enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among the Administration, the Federal Bureau of Investigation, and other units of the Department involved in the performance of these and related functions.

Sec. 8. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available in connection with the functions transferred to the Attorney General and to the Secretary of the Treasury by this Reorganization Plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Justice and to the Department of the Treasury, respectively, at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such Federal agencies as he shall designate.

Sec. 9. *Interim Officers.* (a) The President may authorize any person who, immediately prior to the effective date of this Reorganization Plan, held a position in the Executive Branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this Reorganization Plan or by recess appointment as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect to which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

Sec. 10. *Effective date.* The provisions of this Reorganization Plan shall take effect as provided by section 906 (a) of title 5 of the United States Code or on July 1, 1973, whichever is later.

[FR Doc. 73-12317 Filed 6-18-73; 8:45 am]

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III. INTERNATIONAL TREATIES

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A. Single Convention on Narcotic Drugs, 1961; as amended by the 1972 Protocol

B.1 Convention on Psychotropic Substances

B.2 Psychotropic Substances Act -- Findings (P.L. 95-633, Sec. 101)

C. Signatories to Multilateral Treaties (Abbreviations)

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A. SINGLE CONVENTION
ON NARCOTIC DRUGS, 1961, AS AMENDED BY THE 1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Including Schedules; Final Acts and Resolutions as agreed by the 1961 United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs and by the 1972 United Nations Conference to Consider Amendments to the Single Convention on Narcotic Drugs, 1961, respectively

(Excerpt from *Food, Drug, and Related Law*, Vol. II of U.S. Congress. House. Committee on Energy and Commerce. *Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce.* Committee Print 99-C, March 1985)

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- Resolutions . . . .

Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961 . . .

- Schedules . . . .

FINAL ACT OF THE UNITED NATIONS CONFERENCE FOR THE ADOPTION OF A SINGLE CONVENTION ON NARCOTIC DRUGS

1. The Economic and Social Council of the United Nations, by resolution 689 J (XXVI) of 28 July 1958, decided to convene in accordance with Article 62, paragraph 4, of the Charter of the United Nations, and with the provisions of General Assembly resolution 366 (IV) of 3 December 1949, a plenipotentiary conference for the adoption of a single convention on narcotic drugs to replace by a single instrument the existing multilateral treaties in the field, to reduce the number of international treaty organs exclusively concerned with control of narcotic drugs, and to make provision for the control of the production of raw materials of narcotic drugs.

2. The United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs met at United Nations Headquarters from 24 January to 25 March 1961.

3. The following seventy-three States were represented by representatives at the Conference:

Afghanistan
Albania
Argentina
Australia
Bolivia
Brazil
Bulgaria
Burma
Byelorussian Soviet Socialist Republic
Cambodia
Canada
Chad
Chile
China
Congo (Léopoldville)
Costa Rica
Czechoslovakia
Dahomey
Denmark
Dominican Republic
El Salvador
Finland
France
Germany, Federal Republic of
Ghana
Greece
Guatemala
Haiti
Holy See
Hungary
India
Indonesia
Iran
Iraq
Israel
Italy
Japan
Jordan
Korea, Republic of
Lebanon
Liberia
Madagascar
Mexico
Monaco
Morocco
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Senegal
Spain
Sweden

Switzerland
Thailand
Tunisia
Turkey
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Arab Republic
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Venezuela
Yugoslavia

4. The following State was represented by an observer at the Conference:

Ceylon

5. The following specialized agencies were represented at the Conference:

Food and Agriculture Organization of the United Nations;

International Civil Aviation Organization;

International Labour Organisation;

World Health Organization.

6. The following international bodies were represented at the Conference:

Permanent Central Opium Board;

Drug Supervisory Body.

7. The following non-governmental organizations were also represented at the Conference:

International Conference of Catholic Charities;

International Criminal Police Organization;

International Federation of Women Lawyers.

8. General Safwat, Director of the Permanent Anti-Narcotics Bureau of the League of Arab States, at the invitation of the Conference, also attended in a personal capacity.

9. In accordance with the resolution of the Economic and Social Council referred to in paragraph 1 and with the rules of procedure adopted by the Conference, the observers and the representatives of the above-mentioned organizations and bodies participated in the work of the Conference without the right to vote.

10. The Conference elected Mr. Carl Schurmann (Netherlands) as President, and as Vice-Presidents the representatives of the following States:

Afghanistan
Brazil
Dahomey
France
Hungary
India
Iran
Japan
Mexico
Pakistan
Peru
Switzerland
Thailand
Turkey
United Arab Republic
United Kingdom of Great Britain and Northern Ireland
Union of Soviet Socialist Republics
United States of America

11. The Executive Secretary of the Conference was Mr. G. E. Yates, and the Deputy Executive Secretary was Mr. Adolf Lande.

12. The Conference had before it, in accordance with the resolution of the Economic and Social Council, the third draft of a single convention on narcotic drugs prepared by the Commission on Narcotic Drugs of the Council and a compilation of the comments thereon; it also had before it other documentation prepared by the Secretariat.

13. The Conference set up the following committees:

General Committee

Chairman: The President of the Conference

Ad Hoc *Committee on articles 2 and 3 of the Third Draft* (Scope of the Convention and Method of Bringing Additional Substances under Control)

Chairman: Mr. A. Tabibi (Afghanistan)

Ad Hoc *Committee on articles 25, 30 and 40-43* (National Control in General)

Chairman: Mr. B. Banerji (India)

Ad Hoc *Committee on articles 31-34* (National Control of Opium Poppy and Poppy Straw)

Chairman: Mr. L. Ignacio-Pinto (Dahomey)
Vice-Chairman: Mr. J. Koch (Denmark)

Ad Hoc *Committee on articles 35-38* (National Control of Coca Leaf)

Chairman: Mr. K. Chikaraishi (Japan)

Ad Hoc *Committee on article 39* (National Control of Cannabis)

Chairman: Mr. B. Grinberg (Bulgaria)

Ad Hoc *Committee on articles 26, 27-29, 20-21, 4* (Information to be furnished by Governments; the system of estimates and statistics; obligations of Governments in general)

Chairman: Mr. E. Rodríguez Fabregat (Uruguay)
Vice-Chairman: Mr. J. Bertschinger (Switzerland)

Ad Hoc *Committee on article 22* (Measures exercisable by the Board in case of non-compliance)

Chairman: Mr. A. Gurinovich (Byelorussian SSR)

Ad Hoc *Committee on articles 5-11, 13-19, 23* (Constitution, Functions and Secretariat of International Organs)

Chairman: Mr. H. Blomstedt (Finland)

Ad Hoc *Committee on articles 44-46* (Direct Measures against the Illicit Traffic)

Chairman: Mr. A. Bittencourt (Brazil)

Technical Committee

Chairman: Mr. A. Johnson (Australia)
Vice-Chairman: Mr. A. Ismael (United Arab Republic)

Drafting Committee

Chairman: Mr. R. Curran (Canada)
Vice-Chairman: Mr. D. Nikolić (Yugoslavia)

Credentials Committee

Chairman: Mr. G. Ortiz (Costa Rica)

14. As the result of its deliberations, as recorded in the summary records of the Plenary and the summary records and reports of the committees, the Conference adopted[1] and opened for signature the Single Convention on Narcotic Drugs, 1961. In addition the Conference adopted the five resolutions annexed to this Final Act.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at New York, this thirtieth day of March one thousand nine hundred and sixty-one, in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. The original texts shall be deposited with the Secretary-General of the United Nations.

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[1] The Conference took note that the Convention was approved without prejudice to decisions or declarations in any relevant General Assembly resolution.

RESOLUTIONS
ADOPTED BY THE UNITED NATIONS CONFERENCE FOR THE ADOPTION OF A SINGLE CONVENTION ON NARCOTIC DRUGS

Resolution I

TECHNICAL ASSISTANCE ON NARCOTIC DRUGS

The Conference,

Welcoming the establishment by General Assembly resolution 1395 (XIV) of special arrangements for technical assistance in the field of narcotics control,

Noting that the United Nations and the specialized agencies concerned have already provided a limited amount of assistance under the Expanded Programme of Technical Assistance and in their regular programmes,

Welcoming also the co-operation of the International Criminal Police Organization in the execution of technical assistance projects,

Expresses the hope that adequate resources will be made available to provide assistance in the fight against the illicit traffic, to those countries which desire and request it, particularly in the form of expert advisers and of training, including training courses for national officials.

Resolution II

TREATMENT OF DRUG ADDICTS

The Conference,

Recalling the provisions of article 38 of the Convention concerning the treatment and rehabilitation of drug addicts,

1. *Declares* that one of the most effective methods of treatment for addiction is treatment in a hospital institution having a drug free atmosphere;

2. *Urges* Parties having a serious drug addiction problem, and the economic means to do so, to provide such facilities.

Resolution III

ILLICIT TRAFFICKERS

The Conference,

1. *Calls attention* to the importance of the technical records on international traffickers kept at present by the International Criminal Police Organization;

2. *Recommends* that these records be completed as far as possible by all parties and be widely used for the circulation of description of the traffickers by that Organization.

Resolution IV

MEMBERSHIP OF THE COMMISSION ON NARCOTIC DRUGS

The Conference

Invites the Economic and Social Council to examine at its thirty-second session the question of an increase in the membership of the Commission on Narcotic Drugs, in the light of the terms of this Convention and of the views expressed on this question at this Conference.

Resolution V

INTERNATIONAL CONTROL MACHINERY

The Conference,

Considering the importance of facilitating the transitional arrangements provided for in article 45 of the Single Convention on Narcotic Drugs, 1961,

Invites the Economic and Social Council to study the possibility of taking measures which would ensure the rapid and smooth carrying out of the simplification of the international control machinery.

FINAL ACT OF THE UNITED NATIONS CONFERENCE TO CONSIDER AMENDMENTS TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

1. The Eonomic and Social Council of the United Nations, noting that amendments had been proposed to the Single Convention on Narcotic Drugs, 1961, and bearing in mind article 47 of that Convention, decided by its resolution 1577 (L) of 21 May 1971 to call, in accordance with Article 62, paragraph 4, of the Charter of the United Nations a conference of plenipotentiaries to consider all amendments proposed to the Single Convention on Narcotic Drugs, 1961.

2. The United Nations Conference to consider amendments to the Single Convention on Narcotic Drugs, 1961, met at the United Nations Office at Geneva from 6 to 24 March 1972.

3. The following 97 States were represented by representatives at the Conference:

Afghanistan
Algeria
Argentina
Australia
Austria
Belgium
Bolivia
Brazil
Bulgaria
Burma
Burundi
Byelorussian Soviet
 Socialist Republic
Canada
Ceylon
Chile
Colombia
Costa Rica
Cuba
Cyprus
Czechoslovakia
Dahomey
Denmark
Ecuador
Egypt
El Salvador
Federal Republic of Germany
Finland
France
Gabon
Gambia
Ghana
Greece
Guatemala
Haiti
Holy See
Hungary
India
Indonesia
Iran
Iraq
Ireland
Israel
Italy
Ivory Coast
Jamaica

Japan
Jordan
Kenya
Khmer Republic
Kuwait
Laos
Lebanon
Liberia
Libyan Arab Republic
Liechtenstein
Luxembourg
Madagascar
Malawi
Mexico
Monaco
Mongolian People's Republic
Morocco
Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway
Pakistan
Panama
Peru
Philippines
Poland
Portugal
Republic of Korea
Republic of Viet-Nam
Saudi Arabia
Senegal
Sierra Leone
Singapore
South Africa
Spain
Sudan
Sweden
Switzerland
Thailand
Togo
Tunisia
Turkey
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Venezuela
Yugoslavia
Zaïre

4. The following States were represented by observers at the Conference:

Cameroon
Dominican Republic
Malaysia
Malta
Romania

5. The Economic and Social Council, by its resolution 1577 (L), requested the Secretary-General to invite to the Conference the World Health Organization and other interested specialized agencies, the International Narcotics Control Board and the International Criminal Police Organization. The World Health Organization, the International Narcotics Control Board and the International Criminal Police Organization were represented at the Conference.

6. The Conference elected Mr. K. B. Asante (Ghana) as President of the Conference, Mr. D. Nikolić (Yugoslavia) as First Vice-President, and as the other Vice-Presidents the representatives of the following States:

Argentina
Egypt
France
India

Lebanon
Mexico
Turkey
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United States of America

7. Mr. V. Winspeare-Guicciardi, Director-General of the United Nations Office at Geneva, was the representative of the Secretary-General of the United Nations. The Executive Secretary of the Conference was Dr. V. Kušević, the Legal Adviser of the Conference was Mr. G. Wattles and the Deputy Executive Secretary and Deputy Legal Adviser was Mr. P. Raton.

8. The Conference had before it the amendments to the Single Convention on Narcotic Drugs, 1961, which were proposed by States participating in the Conference.

9. The Conference set up the following committees:

General Committee

Chairman: The President of the Conference

Committee I

Chairman: Dr. R. A. Chapman (Canada)

Committee II

Chairman: Dr. Béla Bölcs (Hungary)

Drafting Committee

Chairman: Mr. J-P, Bertschinger (Switzerland)

Credentials Committee

Chairman: Mr. J. W. Lennon (Ireland)

10. Committee I established a working group on article 14, the Chairman of which was Mr. A. C. Kirca (Turkey).

11. As a result of its deliberations, as recorded in the summary records of the Plenary and Committees I and II, the Conference adopted and opened for signature the Protocol amending the Single Convention on Narcotic Drugs, 1961. In addition, the Conference adopted three resolutions annexed to this Final Act.

DONE at Geneva, this twenty-fifth day of March, one thousand nine hundred and seventy-two, in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. The original text shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the representatives have signed this Final Act.

RESOLUTIONS
ADOPTED BY THE UNITED NATIONS CONFERENCE TO CONSIDER AMENDMENTS TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Resolution I

SECRETARIAT OF THE INTERNATIONAL NARCOTICS CONTROL BOARD

The Conference,

Considering that the measures adopted by the Economic and Social Council in its resolution 1196 (XLII) of 16 May 1967 (1464th plenary meeting) met the wishes of the States Parties to the Single Convention on Narcotic Drugs, 1961, and to the earlier conventions still in force,

Recommends the continuation of the system which was instituted by the Secretary-General of the United Nations and whose main provisions are as follows:

1. The International Narcotics Control Board (hereinafter referred to as the Board) has a secretariat distinct from the Division of Narcotic Drugs;

2. That secretariat is an integral part of the Secretariat of the United Nations; while under the full administrative control of the Secretary-General, it is bound to carry out the decisions of the Board;

3. The members of the secretariat are appointed or assigned by the Secretary-General; the head of that secretariat is appointed or assigned in consultation with the Board.

Resolution II

ASSISTANCE IN NARCOTICS CONTROL

The Conference,

Recalling that assistance to developing countries is a concrete manifestation of the will of the international community to honour the commitment contained in the United Nations Charter to promote the social and economic progress of all peoples,

Recalling the special arrangements made by the United Nations General Assembly under its resolution 1395 (XIV) with a view to the provision of technical assistance for drug abuse control, *Welcoming* the establishment pursuant to United Nations General Assembly resolution 2719 (XXV), of a United Nations Fund for Drug Abuse Control,

Noting that the Conference has adopted a new article 14 *bis* concerning technical and financial assistance to promote more effective execution of the provisions of the Single Convention on Narcotic Drugs, 1961,

1. *Declares* that, to be more effective, the measures taken against drug abuse must be co-ordinated and universal;

2. *Declares further* that the fulfilment by the developing countries of their obligations under the Convention will be facilitated by adequate technical and financial assistance from the international community.

Resolution III

SOCIAL CONDITIONS AND PROTECTION AGAINST DRUG ADDICTION

The Conference,

Recalling that the Preamble to the Single Convention on Narcotic Drugs, 1961, states that the Parties to the Convention are "concerned with the health and welfare of mankind" and are "conscious of their duty to prevent and combat" the evil of drug addiction,

Considering that the discussions at the Conference have given evidence of the desire to take effective steps to prevent drug addiction,

Considering that, while drug addiction leads to personal degradation and social disruption, it happens very often that the deplorable social and economic conditions in which certain individuals and certain groups are living predispose them to drug addiction,

Recognizing that social factors have a certain and sometimes preponderant influence on the behaviour of individuals and groups,

Recommends that the Parties:

1. Should bear in mind that drug addiction is often the result of an unwholesome social atmosphere in which those who are most exposed to the danger of drug abuse live;

2. Should do everything in their power to combat the spread of the illicit use of drugs;

3. Should develop leisure and other activities conducive to the sound physical and psychological health of young people.

SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, AS AMENDED BY THE 1972 PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

PREAMBLE

The Parties,

Concerned with the health and welfare of mankind,

Recognizing that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes,

Recognizing that addiction to narcotic drugs constitutes a serious evil for the individual and is fraught with social and economic danger to mankind,

Conscious of their duty to prevent and combat this evil,

Considering that effective measures against abuse of narcotic drugs require co-ordinated and universal action,

Understanding that such universal action calls for international co-operation guided by the same principles and aimed at common objectives,

Acknowledging the competence of the United Nations in the field of narcotics control and desirous that the international organs concerned should be within the framework of that Organization,

Desiring to conclude a generally acceptable international convention replacing existing treaties on narcotic drugs, limiting such drugs to medical and scientific use, and providing for continuous international co-operation and control for the achievement of such aims and objectives,

Hereby agree as follows:[2]

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[2] *Note by the Secretariat:* The Preamble to the Protocol Amending the Single Convention on Narcotic Drugs, 1961, reads as follows:

"*The Parties to the Present Protocol,*

"*Considering* the provisions of the Single Convention on Narcotic Drugs, 1961, done at New York on 30 March 1961 (hereinafter called the Single Convention),

"*Desiring* to amend the Single Convention,

"*Have agreed* as follows:"

Article 1

DEFINITIONS

1. Except where otherwise expressly indicated or where the context otherwise requires, the following definitions shall apply throughout the Convention:

(*a*) "Board" means the International Narcotics Control Board,

(*b*) "Cannabis" means the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) from which the resin has not been extracted, by whatever name they may be designated.

(*c*) "Cannabis plant" means any plant of the genus Cannabis,

(*d*) "Cannabis resin" means the separated resin, whether crude or purified, obtained from the cannabis plant.

(*e*) "Coca bush" means the plant of any species of the genus Erythroxylon.

(*f*) "Coca leaf" means the leaf of the coca bush except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed.

(*g*) "Commission" means the Commission on Narcotic Drugs of the Council.

(*h*) "Council" means the Economic and Social Council of the United Nations.

(*i*) "Cultivation" means the cultivation of the opium poppy, coca bush or cannabis plant.

(*j*) "Drug" means any of the substances in Schedules I and II, whether natural or synthetic.

(*k*) "General Assembly" means the General Assembly of the United Nations.

(*l*) "Illicit traffic" means cultivation or trafficking in drugs contrary to the provisions of this Convention.

(*m*) "Import" and "export" mean in their respective connotations the physical transfer of drugs from one State to another State, or from one territory to another territory of the same State.

(*n*) "Manufacture" means all processes, other than production, by which drugs may be obtained and includes refining as well as the transformation of drugs into other drugs.

(*o*) "Medicinal opium" means opium which has undergone the processes necessary to adapt it for medicinal use.

(*p*) "Opium" means the coagulated juice of the opium poppy.

(*q*) "Opium poppy" means the plant of the species *Papaver somniferum L.*

(*r*) "Poppy straw" means all parts (except the seeds) of the opium poppy, after mowing.

(*s*) "Preparation" means a mixture, solid or liquid, containing a drug.

(*t*) "Production" means the separation of opium, coca leaves, cannabis and cannabis resin from the plants from which they are obtained.

(*u*) "Schedule I", "Schedule II", "Schedule III" and "Schedule IV" mean the correspondingly numbered list of drugs or preparations annexed to this Convention, as amended from time to time in accordance with article 3.

(*v*) "Secretary-General" means the Secretary-General of the United Nations.

(*w*) "Special stocks" means the amounts of drugs held in a country or territory by the Government of such country or territory for special government purposes and to meet exceptional circumstances; and the expression "special purposes" shall be construed accordingly.

(*x*) "Stocks" means the amounts of drugs held in a country or territory and intended for:

(i) Consumption in the country or territory for medical and scientific purposes,

(ii) Utilization in the country or territory for the manufacture of drugs and other substances, or

(iii) Export;

but does not include the amounts of drugs held in the country or territory,

(iv) By retail pharmacists or other authorized retail distributors and by institutions or qualified persons in the duly authorized exercise of therapeutic or scientific functions, or

(v) As "special stocks".

(*y*) "Territory" means any part of a State which is treated as a separate entity for the application of the system of import certificates and export authorizations provided for in article 31. This definition shall not apply to the term "territory" as used in articles 42 and 46.

2. For the purposes of this Convention a drug shall be regarded as "consumed" when it has been supplied to any person or enterprise for retail distribution, medical use or scientific research; and "consumption" shall be construed accordingly.

Article 2

SUBSTANCES UNDER CONTROL

1. Except as to measures of control which are limited to specified drugs, the drugs in Schedule I are subject to all measures of control applicable to drugs under this Convention and in particular to those prescribed in article 4 (*c*), 19, 20, 21, 29, 30, 31, 32, 33, 34 and 37.

2. The drugs in Schedule II are subject to the same measures of control as drugs in Schedule I with the exception of the measures prescribed in article 30, paragraphs 2 and 5, in respect of the retail trade.

3. Preparations other than those in Schedule III are subject to the same measures of control as the drugs which they contain, but estimates (article 19) and statistics (article 20) distinct from those dealing with these drugs shall not be required in the case of such preparations, and article 29, paragraph 2 (*c*) and article 30, paragraph 1 (*b*) (ii) need not apply.

4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1 (*b*) and 3 to 15 and, as regards their acquisition and retail distribution, article 34, paragraph (*b*), need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

5. The drugs in Schedule IV shall also be included in Schedule I and subject to all measures of control applicable to drugs in the latter Schedule, and in addition thereto:

(*a*) A Party shall adopt any special measures of control which in its opinion are necessary having regard to the particularly dangerous properties of a drug so included; and

(*b*) A Party shall, if in its opinion the prevailing conditions in its country render it the most appropriate means of protecting the public health and welfare, prohibit the production, manufacture, export and import of, trade in, possession or use of any such drug except for amounts which may be necessary for medical and scientific research only, including clinical trials therewith to be conducted under or subject to the direct supervision and control of the Party.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of article 19, paragraph 1, subparagraph (*f*), and of articles 21 *bis*, 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in article 19, paragraph 1, subparagraph (*e*), article 20, paragraph 1, subparagraph (*g*), article 21 *bis* and in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively.

8. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of drugs, such measures of supervision as may be practicable.

9. Parties are not required to apply the provisions of this Convention to drugs which are commonly used in industry for other than medical or scientific purposes, provided that:

(*a*) They ensure by appropriate methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects (article 3, paragraph 3) and that the harmful substances cannot in practice be recovered; and

(*b*) They include in the statistical information (article 20) furnished by them the amount of each drug so used.

Article 3

CHANGES IN THE SCOPE OF CONTROL

1. Where a Party or the World Health Organization has information which in its opinion may require an amendment to any of the Schedules, it shall notify the Secretary-General and furnish him with the information in support of the notification.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission, and, where the notification is made by a Party, to the World Health Organization.

3. Where a notification relates to a substance not already in Schedule I or in Schedule II,

(i) The Parties shall examine in the light of the available information the possibility of the provisional application to the substance of all measures of control applicable to drugs in Schedule I;

(ii) Pending its decision as provided in subparagraph (iii) of this paragraph, the Commission may decide that the Parties apply provisionally to that substance all measures of control applicable to drugs in Schedule I. The Parties shall apply such measures provisionally to the substance in question;

(iii) If the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effects as the drugs in Schedule I or Schedule II or is convertible into a drug, it shall communicate that finding to the Commission which may, in accordance with the recommendation of the World Health Organization, decide that the substance shall be added to Schedule I or Schedule II.

4. If the World Health Organization finds that a preparation because of the substances which it contains is not liable to abuse and cannot produce ill effects (paragraph 3) and that the drug therein is not readily recoverable, the Commission may, in accordance with the recommendation of the World Health Organization, add that preparation to Schedule III.

5. If the World Health Organization finds that a drug in Schedule I is particularly liable to abuse and to produce ill effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by

substances other than drugs in Schedule IV, the Commission may, in accordance with the recommendation of the World Health Organization, place that drug in Schedule IV.

6. Where a notification relates to a drug already in Schedule I or Schedule II or to a preparation in Schedule III, the Commission, apart from the measure provided for in paragraph 5, may, in accordance with the recommendation of the World Health Organization, amend any of the Schedules by:

(a) Transferring a drug from Schedule I to Schedule II or from Schedule II to Schedule I; or

(b) Deleting a drug or a preparation as the case may be, from a Schedule.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become effective with respect to each Party on the date of its receipt of such communication, and the Parties shall thereupon take such action as may be required under this Convention.

8. *(a)* The decisions of the Commission amending any of the Schedules shall be subject to review by the Council upon the request of any Party filed within ninety days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based;

(b) The Secretary-General shall transmit copies of the request for review and relevant information to the Commission, the World Health Organization and to all the Parties inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration;

(c) The Council may confirm, alter or reverse the decision of the Commission, and the decision of the Council shall be final. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization, and to the Board;

(d) During pendency of the review the original decision of the Commission shall remain in effect.

9. Decisions of the Commission taken in accordance with this article shall not be subject to the review procedure provided for in article 7.

Article 4

GENERAL OBLIGATIONS

The parties shall take such legislative and administrative measures as may be necessary:

(a) To give effect to and carry out the provisions of this Convention within their own territories;

(*b*) To co-operate with other States in the execution of the provisions of this Convention; and

(*c*) Subject to the provisions of this Convention, to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs.

Article 5

THE INTERNATIONAL CONTROL ORGANS

The Parties, recognizing the competence of the United Nations with respect to the international control of drugs, agree to entrust to the Commission on Narcotic Drugs of the Economic and Social Council, and to the International Narcotics Control Board, the functions respectively assigned to them under this Convention.

Article 6

EXPENSES OF THE INTERNATIONAL CONTROL ORGANS

The expenses of the Commission and the Board will be borne by the United Nations in such manner as shall be decided by the General Assembly. The Parties which are not Members of the United Nations shall contribute to these expenses such amounts as the General Assembly finds equitable and assess from time to time after consultation with the Governments of these Parties.

Article 7

REVIEW OF DECISIONS AND RECOMMENDATIONS OF THE COMMISSION

Except for decisions under article 3, each decision or recommendation adopted by the Commission pursuant to the provisions of this Convention shall be subject to approval or modification by the Council or the General Assembly in the same way as other decisions or recommendations of the Commission.

Article 8

FUNCTIONS OF THE COMMISSION

The Commission is authorized to consider all matters pertaining to the aims of this Convention, and in particular:

(*a*) To amend the Schedules in accordance with article 3;

(*b*) To call the attention of the Board to any matters which may be relevant to the functions of the Board;

(*c*) To make recommendations for the implementation of the aims and provisions of this Convention, including programmes of scientific research and the exchange of information of a scientific or technical nature; and

(*d*) To draw the attention of non-parties to decisions and recommendations which it adopts under this Convention, with a view to their considering taking action in accordance therewith.

Article 9

COMPOSITION AND FUNCTIONS OF THE BOARD

1. The Board shall consist of thirteen members to be elected by the Council as follows:

(*a*) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(*b*) Ten members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations.

2. Members of the Board shall be persons who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which would be liable to impair their impartiality in the exercise of their functions. The Council shall, in consultation with the Board, make all arrangements necessary to ensure the full technical independence of the Board in carrying out its functions.

3. The Council, with due regard to the principle of equitable geographic representation, shall give consideration to the importance of including on the Board, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing, and consuming countries, and connected with such countries.

4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention.

Article 10

TERMS OF OFFICE AND REMUNERATION OF MEMBERS OF THE BOARD

1. The members of the Board shall serve for a period of five years, and may be re-elected.

2. The term of office of each member of the Board shall end on the eve of the first meeting of the Board which his successor shall be entitled to attend.

3. A member of the Board who has failed to attend three consecutive sessions shall be deemed to have resigned.

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfil the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of nine members of the Board.

5. Where a vacancy occurs on the Board during the term of office of a member, the Council shall fill such vacancy as soon as possible and in accordance with the applicable provisions of article 9, by electing another member for the remainder of the term.

6. The members of the Board shall receive an adequate remuneration as determined by the General Assembly.

Article 11

RULES OF PROCEDURE OF THE BOARD

1. The Board shall elect its own President and such other officers as it may consider necessary and shall adopt its rules of procedure.

2. The Board shall meet as often as, in its opinion, may be necessary for the proper discharge of its functions, but shall hold at least two sessions in each calendar year.

3. The quorum necessary at meetings of the Board shall consist of eight members.

Article 12

ADMINISTRATION OF THE ESTIMATE SYSTEM

1. The Board shall fix the date or dates by which, and the manner in which, the estimates as provided in article 19 shall be furnished and shall prescribe the forms therefor.

2. The Board shall, in respect of countries and territories to which this Convention does not apply, request the Governments concerned to furnish estimates in accordance with the provisions of this Convention.

3. If any State fails to furnish estimates in respect of any of its territories by the date specified, the Board shall, as far as possible, establish the estimates. The Board in establishing such estimates shall to the extent practicable do so in co-operation with the Government concerned.

4. The Board shall examine the estimates, including supplementary estimates, and, except as regards requirements for special purposes, may require such information as it considers necessary in respect of any country or territory on behalf of which an estimate has been furnished, in order to complete the estimate or to explain any statement contained therein.

5. The Board, with a view to limiting the use and distribution of drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes, shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates.

6. In addition to the reports mentioned in article 15, the Board shall, at such times as it shall determine but at least annually, issue such information on the estimates as in its opinion will facilitate the carrying out of this Convention.

Article 13

ADMINISTRATION OF THE STATISTICAL RETURNS SYSTEM

1. The Board shall determine the manner and form in which statistical returns shall be furnished a provided in article 20 and shall prescribe the forms therefor.

2. The Board shall examine the returns with a view to determining whether a Party or any other State has complied with the provisions of this Convention.

3. The Board may require such further information as it considers necessary to complete or explain the information contained in such statistical returns.

4. It shall not be within the competence of the Board to question or express an opinion on statistical information respecting drugs required for special purposes.

Article 14

MEASURES BY THE BOARD TO ENSURE THE EXECUTION OF PROVISIONS OF THE CONVENTION

1. (*a*) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of

information communicated by United Nations organs or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by either other intergovernmental organizations or international non-governmental organizations which have direct competence in the subject matter and which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council, the Board has objective reasons to believe that the aims of this Convention are being seriously endangered by reason of the failure of any Party, country or territory to carry out the provisions of this Convention, the Board shall have the right to propose to the Government concerned the opening of consultations or to request it to furnish explanations. If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become, or if there exists evidence of a serious risk that it may become, an important centre of illicit cultivation, production or manufacture of, or traffic in or consumption of drugs, the Board has the right to propose to the Government concerned the opening of consultations. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in subparagraph (*d*) below, the Board shall treat as confidential a request for information and an explanation by a Government or a proposal for consultations and the consultations held with a Government under this subparagraph.

(*b*) After taking action under subparagraph (*a*) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(*c*) The Board may, if it thinks such action necessary for the purpose of assessing a matter referred to in subparagraph (*a*) of this paragraph, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and the services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons whom the Board intends to make available shall be subject to the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by consultation between the Government and the Board. The Government shall communicate to the Board the results of the study and shall indicate the remedial measures that it considers necessary to take.

(*d*) If the Boards finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under subparagraph (*a*) above, or has failed to adopt any remedial measures which it has been called upon to take under subparagraph (*b*) above, or that there is a serious situation that needs co-operative action at the international level with a view to remedying it, it may call the attention of the Parties, the Council and the Commission to the matter. The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily in any other way. It shall also so act if it finds that there is a serious situation that needs co-operative action at the international level with a view to remedying it and that bringing such a situation to the notice of the Parties, the Council and the Commission is the most appropriate method of facilitating such co-operative action; after considering the reports of the Board, and of the Commission if available on the matter, the Council may draw the attention of the General Assembly to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (*d*) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

Article 14 bis

TECHNICAL AND FINANCIAL ASSISTANCE

In cases which it considers appropriate and either in addition or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Government concerned, may recommend to the competent United Nations organs and to the specialized agencies that technical or financial assistance, or both, be provided to the Government in support of its efforts to carry out its obligations under this Convention, including those set out or referred to in articles 2, 35, 38 and 38 *bis*.

Article 15

REPORTS OF THE BOARD

1. The Board shall prepare an annual report on its work and such additional reports as it considers necessary containing also an analysis of the estimates and statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires to make. These reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

Article 16

SECRETARIAT

The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board.

Article 17

SPECIAL ADMINISTRATION

The Parties shall maintain a special administration for the purpose of applying the provisions of this Convention.

Article 18

INFORMATION TO BE FURNISHED BY PARTIES TO THE SECRETARY-GENERAL

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular:

(*a*) An annual report on the working of the Convention within each of their territories;

(*b*) The text of all laws and regulations from time to time promulgated in order to give effect to this Convention;

(*c*) Such particulars as the Commission shall determine concerning cases of illicit traffic, including particulars of each case of illicit traffic discovered which may be of importance, because of the light thrown on the source from which drugs are obtained for the illicit traffic, or because of quantities involved or the method employed by illicit traffickers; and-

(*d*) The names and addresses of the governmental authorities empowered to issue export and import authorizations or certificates.

2. Parties shall furnish the information referred to in the preceding paragraph in such manner and by such dates and use such forms as the Commission may request.

Article 19

ESTIMATES OF DRUG REQUIREMENTS

1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(*a*) Quantities of drugs to be consumed for medical and scientific purposes;

(*b*) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(*c*) Stocks of drugs to be held as at 31 December of the year to which the estimates relate;

(*d*) Quantities of drugs necessary for addition to special stocks;

(*e*) The area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy;

(*f*) Approximate quantity of opium to be produced;

(*g*) The number of industrial establishments which will manufacture synthetic drugs; and

(*h*) The quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding subparagraph.

2. (*a*) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug except opium and synthetic drugs shall consist of the sum of the amounts specified under subparagraphs (*a*), (*b*) and (*d*) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in subparagraph (*c*) of paragraph 1.

(*b*) Subject to the deductions referred to in paragraph 3 of article 21 regarding imports and in paragraph 2 of article 21 *bis*, the total of the estimates for opium for each territory shall consist either of the sum of the amounts specified under subparagraphs (*a*), (*b*) and (*d*) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31

December of the preceding year to the level estimated as provided in subparagraph (*c*) of paragraph 1, or of the amount specified under subparagraph (*f*) of paragraph 1 of this article, whichever is higher.

(*c*) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory for each synthetic drug shall consist either of the sum of the amounts specified under subparagraphs (*a*), (*b*) and (*d*) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in subparagraph (*c*) of paragraph 1, or of the sum of the amounts specified under subparagraph (*h*) of paragraph 1 of this article, whichever is higher.

(*d*) The estimates furnished under the preceding subparagraphs of this paragraph shall be appropriately modified to take into account any quantity seized and thereafter released for licit use as well as any quantity taken from special stocks for the requirements of the civilian population.

3. Any State may during the year furnish supplementary estimates with an explanation of the circumstances necessitating such estimates.

4. The Parties shall inform the Board of the method used for determining quantities shown in the estimates and of any changes in the said method.

5. Subject to the deductions referred to in paragraph 3 of article 21, and account being taken where appropriate of the provisions of article 21 *bis*, the estimates shall not be exceeded.

Article 20

STATISTICAL RETURNS TO BE FURNISHED TO THE BOARD

1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

(*a*) Production or manufacture of drugs;

(*b*) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered by this Convention, and utilization of poppy straw for the manufacture of drugs;

(*c*) Consumption of drugs;

(*d*) Imports and exports of drugs and poppy straw;

(*e*) Seizures of drugs and disposal thereof;

(*f*) Stocks of drugs as at 31 December of the year to which the returns relate; and

(*g*) Ascertainable area of cultivation of the opium poppy.

2. (*a*) The statistical returns in respect of the matters referred to in paragraph 1, except subparagraph (*d*), shall be prepared annually and shall be

furnished to the Board not later than 30 June following the year to which they relate.

(*b*) The statistical returns in respect to the matters referred to in subparagraph (*d*) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population.

Article 21

LIMITATION OF MANUFACTURE AND IMPORTATION

1. The total of the quantities of each drug manufactured and imported by any country or territory in any one year shall not exceed the sum of the following:

(*a*) The quantity consumed, within the limit of the relevant estimate, for medical and scientific purposes;

(*b*) The quantity used, within the limit of the relevant estimate, for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(*c*) The quantity exported;

(*d*) The quantity added to the stock for the purpose of bringing that stock up to the level specified in the relevant estimate; and

(*e*) The quantity acquired within the limit of the relevant estimate for special purposes.

2. From the sum of the quantities specified in paragraph 1 there shall be deducted any quantity that has been seized and released for licit use, as well as any quantity taken from special stocks for the requirements of the civilian population.

3. If the Board finds that the quantity manufactured and imported in any one year exceeds the sum of the quantities specified in paragraph 1, less any deductions required under paragraph 2 of this article, any excess so established and remaining at the end of the year shall, in the following year, be deducted from the quantity to be manufactured or imported and from the total of the estimates as defined in paragraph 2 of article 19.

4. (*a*) If it appears from the statistical returns on imports or exports (article 20) that the quantity exported to any country or territory exceeds the total of the estimates for that country or territory, as defined in paragraph 2 of

article 19, with the addition of the amounts shown to have been exported, and after deduction of any excess as established in paragraph 3 of this article, the Board may notify this fact to States which, in the opinion of the Board, should be so informed;

(*b*) On receipt of such a notification, Parties shall not during the year in question authorize any further exports of the drug concerned to that country or territory, except:

(i) In the event of a supplementary estimate being furnished for that country or territory in respect both of any quantity over-imported and of the additional quantity required, or

(ii) In exceptional cases where the export, in the opinion of the Government of the exporting country, is essential for the treatment of the sick.

Article 21 bis

LIMITATION OF PRODUCTION OF OPIUM

1. The production of opium by any country or territory shall be organized and controlled in such manner as to ensure that, as far as possible, the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1 (*f*) of article 19.

2. If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1 (*f*) of article 19 has not limited opium produced within its borders to licit purposes in accordance with relevant estimates and that a significant amount of opium produced, whether licitly or illicitly, within the borders of such a Party, has been introduced into the illicit traffic, it may, after studying the explanations of the Party concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimates as defined in paragraph 2 (*b*) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and contractual commitments to export opium. This decision shall take effect ninety days after the Party concerned is notified thereof.

3. After notifying the Party concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Party in order to resolve the situation satisfactorily.

4. If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.

5. In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account not only all relevant circumstances

including those giving rise to the illicit traffic problem referred to in paragraph 2 above, but also any relevant new control measures which may have been adopted by the Party.

Article 22

SPECIAL PROVISION APPLICABLE TO CULTIVATION

1. Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take appropriate measures to seize any plants illicitly cultivated and to destroy them, except for small quantities required by the Party for scientific or research purposes.

Article 23

NATIONAL OPIUM AGENCIES

1. A Party that permits the cultivation of the opium poppy for the production of opium shall establish, if it has not already done so, and maintain, one or more government agencies (hereafter in this article referred to as the Agency) to carry out the functions required under this article.

2. Each such Party shall apply the following provisions to the cultivation of the opium poppy for the production of opium and to opium;

(*a*) The Agency shall designate the areas in which, and the plots of land on which, cultivation of the opium poppy for the purpose of producing opium shall be permitted.

(*b*) Only cultivators licensed by the Agency shall be authorized to engage in such cultivation.

(*c*) Each licence shall specify the extent of the land on which the cultivation is permitted.

(*d*) All cultivators of the opium poppy shall be required to deliver their total crops of opium to the Agency. The Agency shall purchase and take physical possession of such crops as soon as possible, but not later than four months after the end of the harvest.

(*e*) The Agency shall, in respect of opium, have the exclusive right of importing, exporting, wholesale trading and maintaining stocks other than those held by manufacturers of opium alkaloids, medicinal opium or opium preparations. Parties need not extend this exclusive right to medicinal opium and opium preparations.

3. The governmental functions referred to in paragraph 2 shall be discharged by a single government agency if the constitution of the Party concerned permits it.

Article 24

LIMITATION ON PRODUCTION OF OPIUM FOR INTERNATIONAL TRADE

1. (*a*) If any Party intends to initiate the production of opium or to increase existing production, it shall take account of the prevailing world need for opium in accordance with the estimates thereof published by the Board so that the production of opium by such Party does not result in overproduction of opium in the world.

(*b*) A Party shall not permit the production of opium or increase the existing production thereof if in its opinion such production or increased production in its territory may result in illicit traffic in opium.

2. (*a*) Subject to paragraph 1, where a Party which as of 1 January 1961 was not producing opium for export desires to export opium which it produces, in amounts not exceeding five tons annually, it shall notify the Board, furnishing with such notification information regarding:

(i) The controls in force as required by this Convention respecting the opium to be produced and exported; and

(ii) The name of the country or countries to which it expects to export such opium;

and the Board may either approve such notification or may recommend to the Party that it not engage in the production of opium for export.

(*b*) Where a Party other than a Party referred to in paragraph 3 desires to produce opium for export in amounts exceeding five tons annually, it shall notify the Council, furnishing with such notification relevant information including:

(i) The estimated amounts to be produced for export;

(ii) The controls existing or proposed respecting the opium to be produced;

(iii) The name of the country or countries to which it expects to export such opium;

and the Council shall either approve the notification or may recommend to the Party that it not engage in the production of opium for export.

3. Notwithstanding the provisions of subparagraphs (*a*) and (*b*) of paragraph 2, a Party that during ten years immediately prior to 1 January 1961 exported opium which such country produced may continue to export opium which it produces.

4. (*a*) A Party shall not import opium from any country or territory except opium produced in the territory of:

(i) A Party referred to in paragraph 3;

(ii) A Party that has notified the Board as provided in subparagraph (*a*) of paragraph 2; or

(iii) A Party that has received the approval of the Council as provided in subparagraph (*b*) of paragraph 2.

(*b*) Notwithstanding subparagraph (*a*) of this paragraph, a Party may import opium produced by any country which produced and exported opium during the ten years prior to 1 January 1961 if such country has established and maintains a national control organ or agency for the purposes set out in article 23 and has in force an effective means of ensuring that the opium it produces is not diverted into the illicit traffic.

5. The provisions of this article do not prevent a Party:

(*a*) From producing opium sufficient for its own requirements; or

(*b*) From exporting opium seized in the illicit traffic, to another Party in accordance with the requirements of this Convention.

Article 25

CONTROL OF POPPY STRAW

1. A Party that permits the cultivation of the opium poppy for purposes other than the production of opium shall take all measures necessary to ensure:

(*a*) That opium is not produced from such opium poppies; and

(*b*) That the manufacture of drugs from poppy straw is adequately controlled.

2. The Parties shall apply to poppy straw the system of import certificates and export authorizations as provided in article 31, paragraphs 4 to 15.

3. The Parties shall furnish statistical information on the import and export of poppy straw as required for drugs under article 20, paragraphs 1 (*d*) and 2 (*b*).

Article 26

THE COCA BUSH AND COCA LEAVES

1. If a Party permits the cultivation of the coca bush, it shall apply thereto and to coca leaves the system of controls as provided in article 23 respecting the control of the opium poppy, but as regards paragraph 2 (*d*) of that article, the requirements imposed on the Agency therein referred to shall be only to take physical possession of the crops as soon as possible after the end of the harvest.

2. The Parties shall so far as possible enforce the uprooting of all coca bushes which grow wild. They shall destroy the coca bushes if illegally cultivated.

Article 27

ADDITIONAL PROVISIONS RELATING TO COCA LEAVES

1. The Parties may permit the use of coca leaves for the preparation of a flavouring agent, which shall not contain any alkaloids, and, to the extent necessary for such use, may permit the production, import, export, trade in and possession of such leaves.

2. The Parties shall furnish separately estimates (article 19) and statistical information (article 20) in respect of coca leaves for preparation of the flavouring agent, except to the extent that the same coca leaves are used for the extraction of alkaloids and the flavouring agent, and so explained in the estimates and statistical information.

Article 28

CONTROL OF CANNABIS

1. If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in article 23 respecting the control of the opium poppy.

2. This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes.

3. The Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant.

Article 29

MANUFACTURE

1. The Parties shall require that the manufacture of drugs be under licence except where such manufacture is carried out by a State enterprise or State enterprises.

2. The Parties shall:

(*a*) Control all persons and enterprises carrying on or engaged in the manufacture of drugs;

(*b*) Control under licence the establishments and premises in which such manufacture may take place; and (*c*) Require that licensed manufacturers of drugs obtain periodical permits specifying the kinds and amounts of drugs which they shall be entitled to manufacture. A periodical permit, however, need not be required for preparations.

3. The Parties shall prevent the accumulation, in the possession of drug manufacturers, of quantities of drugs and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions.

Article 30

TRADE AND DISTRIBUTION

1. (*a*) The Parties shall require that the trade in and distribution of drugs be under licence except where such trade or distribution is carried out by a State enterprise or State enterprises.

(*b*) The Parties shall:

(i) Control all persons and enterprises carrying on or engaged in the trade in or distribution of drugs;

(ii) Control under licence the establishments and premises in which such trade or distribution may take place. The requirement of licensing need not apply to preparations.

(*c*) The provisions of subparagraphs (*a*) and (*b*) relating to licensing need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

2. The Parties shall also:

(*a*) Prevent the accumulation in the possession of traders, distributors, State enterprises or duly authorized persons referred to above, of quantities of drugs and poppy straw in excess of those required for the normal conduct of business, having regard to the prevailing market conditions; and

(*b*) (i) Require medical prescriptions for the supply or dispensation of drugs to individuals. This requirement need not apply to such drugs as individuals may lawfully obtain, use, dispense or administer in connexion with their duly authorized therapeutic functions; and

(ii) If the Parties deem these measures necessary or desirable, require that prescriptions for drugs in Schedule I should be written on officials forms to be issued in the form of counterfoil books by the competent governmental authorities or by authorized professional associations.

3. It is desirable that Parties require that written or printed offers of drugs, advertisements of every kind or descriptive literature relating to drugs and used for commercial purposes, interior wrappings of packages containing drugs, and

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labels under which drugs are offered for sale indicate the international non-proprietary name communicated by the World Health Organization.

4. If a Party considers such measure necessary or desirable, it shall require that the inner package containing a drug or wrapping thereof shall bear a clearly visible double red band. The exterior wrapping of the package in which such drug is contained shall not bear a double red band.

5. A Party shall require that the label under which a drug is offered for sale show the exact drug content by weight or percentage. This requirement of label information need not apply to a drug dispensed to an individual on medical prescription.

6. The provisions of paragraphs 2 and 5 need not apply to the retail trade in or retail distribution of drugs in Schedule II.

Article 31

SPECIAL PROVISIONS RELATING TO INTERNATIONAL TRADE

1. The Parties shall not knowingly permit the export of drugs to any country or territory except:

(*a*) In accordance with the laws and regulations of that country or territory; and

(*b*) Within the limits of the total of the estimates for that country or territory, as defined in paragraph 2 of article 19, with the addition of the amounts intended to be re-exported.

2. The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territories, provided, however, that they may apply more drastic measures.

3. The Parties shall:

(*a*) Control under licence the import and export of drugs except where such import or export is carried out by a State enterprise or enterprises;

(*b*) Control all persons and enterprises carrying on or engaged in such import or export.

4. (*a*) Every Party permitting the import or export of drugs shall require a separate import or export authorization to be obtained for each such import or export whether it consists of one or more drugs.

(*b*) Such authorization shall state the name of the drug, the international non-proprietary name if any, the quantity to be imported or exported, and the name and address of the importer and exporter, and shall specify the period within which the importation or exportation must be effected.

(*c*) The export authorization shall also state the number and date of the import certificate (paragraph 5) and the authority by whom it has been issued.

(*d*) The import authorization may allow an importation in more than one consignment.

5. Before issuing an export authorization the Parties shall require an import certificate, issued by the competent authorities of the importing country or territory and certifying that the importation of the drug or drugs referred to therein, is approved and such certificate shall be produced by the person or establishment applying for the export authorization. The Parties shall follow as closely as may be practicable the form of import certificate approved by the Commission.

6. A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or territory.

7. (*a*) The Government of the importing country or territory, when the importation has been effected or when the period fixed for the importation has expired, shall return the export authorization, with an endorsement to that effect, to the Government of the exporting country or territory.

(*b*) The endorsement shall specify the amount actually imported.

(*c*) If a lesser quantity than that specified in the export authorization is actually exported, the quantity actually exported shall be stated by the competent authorities on the export authorization and on any official copy thereof.

8. Exports of consignments to a post office box, or to a bank to the account of a Party other than the Party named in the export authorization, shall be prohibited.

9. Exports of consignments to a bonded warehouse are prohibited unless the Government of the importing country certifies on the import certificate, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall specify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination shall be treated as if it were a new export within the meaning of this Convention.

10. Consignments of drugs entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

11. A Party shall not permit any drugs consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for such consignment is produced to the competent authorities of such Party.

12. The competent authorities of any country or territory through which a consignment of drugs is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization unless the Government of that country or territory through which the consignment is passing authorizes the diversion. The Government of the country or territory of transit shall treat any requested diversion as if the diversion were an export from the country or territory of transit to the country or territory of new destination. If the diversion is authorized, the provisions of paragraph 7 (*a*) and (*b*) shall also apply between the country or territory of transit and the country or territory which originally exported the consignment.

13. No consignment of drugs while in transit, or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the drugs in question. The packing may not be altered without the permission of the competent authorities.

14. The provisions of paragraphs 11 to 13 relating to the passage of drugs through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or territory of transit. If the aircraft lands in any such country or territory, those provisions shall be applied so far as circumstances require.

15. The provisions of this article are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over drugs in transit.

16. Nothing in this article other than paragraphs 1 (*a*) and 2 need apply in the case of preparations in Schedule III.

Article 32

SPECIAL PROVISIONS CONCERNING THE CARRIAGE OF DRUGS IN FIRST-AID KITS OF SHIPS OR AIRCRAFT ENGAGED IN INTERNATIONAL TRAFFIC

1. The international carriage by ships or aircraft of such limited amounts of drugs as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be import, export or passage through a country within the meaning of this Convention.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the drugs referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Drugs carried by ships or aircraft in accordance with paragraph 1 shall be subject to the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to

carry out checks, inspections and other control measures on board ships or aircraft. The administration of such drugs in the case of emergency shall not be considered a violation of the requirements of article 30, paragraph 2 (*b*).

Article 33

POSSESSION OF DRUGS

The Parties shall not permit the possession of drugs except under legal authority.

Article 34

MEASURES OF SUPERVISION AND INSPECTION

The Parties shall require:

(*a*) That all persons who obtain licences as provided in accordance with this Convention, or who have managerial or supervisory positions in a State enterprise established in accordance with this Convention, shall have adequate qualifications for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance thereof; and

(*b*) That governmental authorities, manufacturers, traders, scientists, scientific institutions and hospitals keep such records as will show the quantities of each drug manufactured and of each individual acquisition and disposal of drugs. Such records shall respectively be preserved for a period of not less than two years. Where counterfoil books (article 30, paragraph 2 (*b*)) of official prescriptions are used, such books including the counterfoils shall also be kept for a period of not less than two years.

Article 35

ACTION AGAINST THE ILLICIT TRAFFIC

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(*a*) Make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(*b*) Assist each other in the campaign against the illicit traffic in narcotic drugs;

(*c*) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(*d*) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and (*e*) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel;

(*f*) Furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General, in addition to information required by article 18, information relating to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and use of, and on illicit trafficking in, drugs; and

(*g*) Furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request; if requested by a Party, the Board may offer its advice to it in furnishing the information and in endeavouring to reduce the illicit drug activity within the borders of that Party.

Article 36

PENAL PROVISIONS

1. (*a*) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(*b*) Notwithstanding the preceding subparagraph, when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(*a*) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) Intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgement given.

(*b*) (i) Each of the offences enumerated in paragraphs 1 and 2 (*a*) (ii) of this article shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs 1 and 2 (*a*) (ii) of this article. Extradition shall be subject to the other conditions provided by the law of the requested Party.

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2 (*a*) (ii) of this article as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.

(iv) Extradition shall be granted in conformity with the law of the Party to which application is made, and, notwithstanding subparagraphs (*b*) (i), (ii) and (iii) of this paragraph, the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. The provisions of this article shall be subject to the provisions of the criminal law of the Party concerned on questions of jurisdiction.

4. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

Article 37

SEIZURE AND CONFISCATION

Any drugs, substances and equipment used in or intended for the commission of any of the offences, referred to in article 36, shall be liable to seizure and confiscation.

Article 38

MEASURES AGAINST THE ABUSE OF DRUGS

1. The Parties shall give special attention to and take all practic measures for the prevention of abuse of drugs and for the early identificati treatment, education, after-care, rehabilitation and social reintegration of persons involved and shall co-ordinate their efforts to these ends.

2. The Parties shall as far as possible promote the training of personne the treatment, after-care, rehabilitation and social reintegration of abusers drugs.

3. The Parties shall take all practicable measures to assist persons wh work so requires to gain an understanding of the problems of abuse of drugs of its prevention, and shall also promote such understanding among the gen public if there is a risk that abuse of drugs will become widespread.

Article 38 bis

AGREEMENTS ON REGIONAL CENTRES

If a Party considers it desirable as part of its action against the illicit tra in drugs, having due regard to its constitutional, legal and administrative syste and, if it so desires, with the technical advice of the Board or the speciali agencies, it shall promote the establishment, in consultation with ot interested Parties in the region, of agreements which contemplate the de opment of regional centres for scientific research and education to combat problems resulting from the illicit use of and traffic in drugs.

Article 39

APPLICATION OF STRICTER NATIONAL CONTROL MEASURES THAN THOSE REQUIRED BY THIS CONVENTION

Notwithstanding anything contained in this Convention, a Party shall be, or be deemed to be, precluded from adopting measures of control more st or severe than those provided by this Convention and in particular fr requiring that Preparations in Schedule III or drugs in Schedule II be subject all or such of the measures of control applicable to drugs in Schedule I as in opinion is necessary or desirable for the protection of the public health welfare.

Article 40[3]

LANGUAGES OF THE CONVENTION AND PROCEDURE FOR SIGNATURE, RATIFICATION AND ACCESSION

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 1 August 1961 on behalf of any Member of the United Nations, of any non-member State which is a Party to the Statute of the International Court of Justice or member of a specialized agency of the United Nations, and also of any other State which the Council may invite to become a Party.

2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General.

3. This Convention shall be open after 1 August 1961 for accession by the States referred to in paragraph 1. The instruments of accession shall be deposited with the Secretary-General.

Article 41[4]

ENTRY INTO FORCE

1. This Convention shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited in accordance with article 40.

2. In respect of any other State depositing an instrument of ratification or accession after the date of deposit of the said fortieth instrument, this

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[3] *Note by the Secretariat:* The following two paragraphs are taken from the Introductory Note to the text of the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol Amending the Single Convention on Narcotic Drugs, 1961, as established by the Secretary-General on 8 August 1975, in accordance with article 22 of the Protocol of 25 March 1972:

> "The Protocol Amending the Single Convention on Narcotic Drugs, 1961 (hereinafter called the 1972 Protocol) entered into force on 8 August 1975, in accordance with paragraph 1 of its article 18. In respect of any State which is already a Party to the Single Convention and deposits with the Secretary-General, after the date of deposit of the fortieth instrument of ratification or accession, an instrument of ratification of or accession to the 1972 Protocol, the latter will come into force on the thirtieth day after the deposit by that State of its instrument (see articles 17 and 18 of the 1972 Protocol).
>
> "Any State which becomes a Party to the Single Convention after the entry into force of the 1972 Protocol shall, failing an expression of a different intention by that State: (*a*) be considered as a Party to the Single Convention as amended; and (*b*) be considered as a Party to the unamended Single Convention in relation to any Party to that Convention not bound by the 1972 Protocol (see article 19 of the 1972 Protocol)."

[4] See foot-note 3 above.

Convention shall come into force on the thirtieth day after the deposit by that State of its instrument of ratification or accession.

Article 42

TERRITORIAL APPLICATION

This Convention shall apply to all non-metropolitan territories for the international relations of which any Party is responsible, except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or required by custom. In such case the Party shall endeavour to secure the needed consent of the territory within the shortest period possible, and when that consent is obtained the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

Article 43

TERRITORIES FOR THE PURPOSES OF ARTICLES 19, 20, 21 AND 31

1. Any Party may notify the Secretary-General that, for the purposes of articles 19, 20, 21 and 31, one of its territories is divided into two or more territories, or that two or more of its territories are consolidated into a single territory.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a single territory for the purposes of articles 19, 20, 21 and 31.

3. Any notification under paragraph 1 or 2 above shall take effect on 1 January of the year following the year in which the notification was made.

Article 44

TERMINATION OF PREVIOUS INTERNATIONAL TREATIES

1. The provisions of this Convention, upon its coming into force, shall, as between Parties hereto, terminate and replace the provisions of the following treaties:

(*a*) International Opium Convention, signed at The Hague on 23 January 1912;

(*b*) Agreement concerning the Manufacture of, Internal Trade in and Use of Prepared Opium, signed at Geneva on 11 February 1925;

(*c*) International Opium Convention, signed at Geneva on 19 February 1925;

(*d*) Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931;

(*e*) Agreement for the Control of Opium Smoking in the Far East, signed at Bangkok on 27 November 1931;

(*f*) Protocol signed at Lake Success on 11 December 1946, amending the Agreements, Conventions and Protocols on Narcotic Drugs concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925 and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936, except as it affects the last-named Convention;

(*g*) The Conventions and Agreements referred to in subparagraphs (*a*) to (*e*) as amended by the Protocol of 1946 referred to in subparagraph (*f*);

(*h*) Protocol signed at Paris on 19 November 1948 Bringing under International Control Drugs outside the Scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as Amended by the Protocol signed at Lake Success on 11 December 1946;

(*i*) Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, signed at New York on 23 June 1953, should that Protocol have come into force.

2. Upon the coming into force of this Convention, article 9 of the Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, signed at Geneva on 26 June 1936, shall, between the Parties thereto which are also Parties to this Convention, be terminated, and shall be replaced by paragraph 2 (*b*) of article 36 of this Convention; provided that such a Party may by notification to the Secretary-General continue in force the said article 9.

Article 45[5]

TRANSITIONAL PROVISIONS

1. The functions of the Board provided for in article 9 shall, as from the date of the coming into force of this Convention (article 41, paragraph 1), be

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[5] The following is the text of article 20 of the 1972 Protocol:

"Article 20
"Transitional provisions

"1. The functions of the International Narcotics Control Board provided for in the amendments contained in this Protocol shall, as from the date of the coming into force provisionally carried out by the Permanent Central Board constituted under chapter VI of the Convention referred to in article 44 (*c*) as amended, and by the Supervisory Body constituted under chapter II of the Convention referred to in article 44 (*d*) as amended, as such functions may respectively require.

2. The Council shall fix the date on which the new Board referred to in article 9 shall enter upon its duties. As from that date that Board shall, with respect to the States Parties to the treaties enumerated in article 44 which are not Parties to this Convention, undertake the functions of the Permanent Central Board and of the Supervisory Body referred to in paragraph 1.

Article 46

DENUNCIATION

1. After the expiry of two years from the date of the coming into force of this Convention (article 41, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 42, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. This Convention shall be terminated if, as a result of denunciations made in accordance with paragraph 1, the conditions for its coming into force as laid down in article 41, paragraph 1, cease to exist.

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of this Protocol pursuant to paragraph 1 of article 18 above, be performed by the Board as constituted by the unamended Single Convention.

"2. The Economic and Social Council shall fix the date on which the Board as constituted under the amendments contained in this Protocol shall enter upon its duties. As from that date the Board as so constituted shall, with respect to those Parties to the unamended Single Convention and to those Parties to the treaties enumerated in article 44 thereof which are not Parties to this Protocol, undertake the functions of the Board as constituted under the unamended Single Convention.

"3. Of the members elected at the first election after the increase in the membership of the Board from eleven to thirteen members the terms of six members shall expire at the end of three years and the terms of the other seven members shall expire at the end of five years.

"4. The members of the Board whose terms are to expire at the end of the above-mentioned initial period of three years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed."

Article 47

AMENDMENTS

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General who shall communicate them to the Parties and to the Council. The Council may decide either:

(*a*) That a conference shall be called in accordance with Article 62, paragraph 4, of the Charter of the United Nations to consider the proposed amendment; or

(*b*) That the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1 (*b*) of this article has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If, however, a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

Article 48

DISPUTES

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred to the International Court of Justice for decision.

Article 49

TRANSITIONAL RESERVATIONS

1. A Party may at the time of signature, ratification or accession reserve the right to permit temporarily in any one of its territories:

(*a*) The quasi-medical use of opium;

(*b*) Opium smoking;

(*c*) Coca leaf chewing;

(*d*) The use of cannabis, cannabis resin, extracts and tinctures of cannabis for non-medical purposes; and (*e*) The production and manufacture of and trade in the drugs referred to under (*a*) to (*d*) for the purposes mentioned therein.

2. The reservations under paragraph 1 shall be subject to the following restrictions:

(*a*) The activities mentioned in paragraph 1 may be authorized only to the extent that they were traditional in the territories in respect of which the reservation is made, and were there permitted on 1 January 1961.

(*b*) No export of the drugs referred to in paragraph 1 for the purposes mentioned therein may be permitted to a non-party or to a territory to which this Convention does not apply under article 42.

(*c*) Only such persons may be permitted to smoke opium as were registered by the competent authorities to this effect on 1 January 1964.

(*d*) The quasi-medical use of opium must be abolished within 15 years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*e*) Coca leaf chewing must be abolished within twenty-five years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*f*) The use of cannabis for other than medical and scientific purposes must be discontinued as soon as possible but in any case within twenty-five years from the coming into force of this Convention as provided in paragraph 1 of article 41.

(*g*) The production and manufacture of and trade in the drugs referred to in paragraph 1 for any of the uses mentioned therein must be reduced and finally abolished simultaneously with the reduction and abolition of such uses.

3. A Party making a reservation under paragraph 1 shall:

(*a*) Include in the annual report to be furnished to the Secretary-General, in accordance with article 18, paragraph 1 (*a*), an account of the progress made in the preceding year towards the abolition of the use, production, manufacture or trade referred to under paragraph 1; and

(*b*) Furnish to the Board separate estimates (article 19) and statistical returns (article 20) in respect of the reserved activities in the manner and form prescribed by the Board.

4. (*a*) If a Party which makes a reservation under paragraph 1 fails to furnish:

- (i) The report referred to in paragraph 3 (*a*) within six months after the end of the year to which the information relates;
- (ii) The estimates referred to in paragraph 3 (*b*) within three months after the date fixed for that purpose by the Board in accordance with article 12, paragraph 1;
- (iii) The statistics referred to in paragraph 3 (*b*) within three months after the date on which they are due in accordance with article 20, paragraph 2,

the Board or the Secretary-General, as the case may be, shall send to the Party concerned a notification of the delay, and shall request such information within a period of three months after the receipt of that notification.

(*b*) If the Party fails to comply within this period with the request of the Board or the Secretary-General, the reservation in question made under paragraph 1 shall cease to be effective.

5. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

Article 50[6]

OTHER RESERVATIONS

1. No reservations other than those made in accordance with article 49 or with the following paragraphs shall be permitted.

2. Any State may at the time of signature, ratification or accession make reservations in respect of the following provisions of this Convention:

> Article 12, paragraphs 2 and 3; article 13, paragraph 2; article 14, paragraphs 1 and 2; article 31, paragraph 1 (*b*) and article 48.

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[6] The following is the text of article 21 of the 1972 Protocol:

"*Article 21*

"*Reservations*

"1. Any State may, at the time of signature or ratification of or accession to this Protocol, make a reservation in respect of any amendment contained herein other than the amendments to article 2, paragraphs 6 and 7 (article 1 of this Protocol), article 9, paragraphs 1, 4 and 5 (article 2 of this Protocol), article 10, paragraphs 1 and 4 (article 3 of this Protocol), article 11 (article 4 of this Protocol), (article 14 *bis* (article 7 of this Protocol), article 16 (article 8 of this Protocol), article 22 (article 12 of this Protocol), article 35 (article 13 of this Protocol), article 36, paragraph 1 (*b*) (article 14 of this Protocol), article 38 (article 15 of this Protocol) and article 38 *bis* (article 16 of this Protocol).*

"2. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations."

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* *Note by the Secretariat:* The following explanatory note is reproduced from the certified true copy, established by the Secretary-General on 8 August 1975, of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961:

"It will be noted that States that wish to make a reservation to one or more of the amendments in accordance with the above article 21 of the 1972 Protocol should first become Parties to the Single Convention in its unamended form (if they have not already done so), and then should ratify or accede to the 1972 Protocol subject to the desired reservation."

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of this article or with article 49 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

Article 51

NOTIFICATIONS

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 40:

(*a*) Signatures, ratifications and accessions in accordance with article 40;

(*b*) The date upon which this Convention enters into force in accordance with article 41;

(*c*) Denunciations in accordance with article 46; and

(*d*) Declarations and notifications under articles 42, 43, 47, 49 and 50.

SCHEDULES*

List of Drugs Included in Schedule I

ACETORPHINE (3-*O*-acetyltetrahydro-7α-(1-hydroxy-1-methylbutyl)-6,14-*endo*etheno-oripavine)
ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
ALPHAMETHADOL (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)
ALPHAPRODINE (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
ANILERIDINE (1-*para*-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
BENZYLMORPHINE (3-benzylmorphine)
BETACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolinyl)-piperidine)
CANNABIS and CANNABIS RESIN and EXTRACTS and TINCTURES OF CANNABIS
CLONITAZENE (2-*para*-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
COCA LEAF
COCAINE (methyl ester of benzoylecgonine)
CODOXIME (dihydrocodeinone-6-carboxymethyloxime)
CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade)
DESOMORPHINE (dihydrodeoxymorphine)
DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
DIAMPROMIDE (N-[2-methylphenethylamino propyl] propionanilide)
DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2′-thienyl)-1-butene)
DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)
DIHYDROMORPHINE
DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)
DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)
DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2′-thienyl)-1-butene)
DIOXAPHETYL BUTYRATE (ethyl-4-morpholino-2,2-diphenylbutyrate)
DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone)
DROTEBANOL (3,4-dimethoxy-17-methylmorphinan-6β,14-diol)
ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine
ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di-(2′thienyl)-1-butene)

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* *Note by the Secretariat:* The Schedules I to IV as reproduced in the present document contain not only the substances included respectively therein by the United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs in 1961 (for the original Schedules see E/CONF.34/24/Add.1) but also all amendments made to these Schedules up to the end of 1976 by decisions of the Commission on Narcotic Drugs, in accordance with the requirements and the procedure provided for in article 3 of the 1961 Convention. The Secretariat has also made some minor corrections regarding the chemical denomination of some of the substances contained in Schedules I to IV.

ETONITAZENE (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole)
ETORPHINE (tetrahydro-7α-(1-hydroxy-1-methylbutyl)-6,14-*endo*etheno-oripavine)
ETOXERIDINE (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
FENTANYL (1-phenethyl-4-N-propionylanilinopiperidine)
FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
HEROIN (diacetylmorphine)
HYDROCODONE (dihydrocodeinone)
HYDROMORPHINOL (14-hydroxydihydromorphine)
HYDROMORPHONE (dihydromorphinone)
HYDROXYPETHIDINE (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine)
LEVOMETHORPHAN[*] ((-)-3-methoxy-N-methylmorphinan)
LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
LEVOPHENACYLMORPHAN ((-)-3-hydroxy-N-phenacylmorphinan)
LEVORPHANOL[*] ((-)-3-hydroxy-N-methylmorphinan)
METAZOCINE (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone)
METHADONE INTERMEDIATE (4-cyano-2-dimethylamino-4,4-diphenylbutane)
METHYLDESORPHINE (6-methyl-delta-6-deoxymorphine)
METHYLDIHYDROMORPHINE (6-methyldihydromorphine)
METOPON (5-methyldihydromorphinone)
MORAMIDE INTERMEDIATE (2-methyl-3-morpholino-1,1-diphenylpropane carboxylic. acid)
MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
MORPHINE
MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives
MORPHINE-N-OXIDE
MYROPHINE (myristylbenzylmorphine)
NICOMORPHINE (3,6-dinicotinylmorphine)
NORACYMETHADOL ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane)
NORLEVORPHANOL ((-)-3-hydroxymorphinan)
NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone)
NORMORPHINE (demethylmorphine)
NORPIPANONE (4,4-diphenyl-6-piperidino-3-hexanone)
OPIUM
OXYCODONE (14-hydroxydihydrocodeinone)
OXYMORPHONE (14-hydroxydihydromorphinone)
PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
PETHIDINE INTERMEDIATE A (4-cyano-1-methyl-4-phenylpiperidine)
PETHIDINE INTERMEDIATE B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
PETHIDINE INTERMEDIATE C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone)
PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide)
PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan)
PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

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[*] Dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and dextrorphan ((+)-3-hydroxy-N-methylmorphinan) are specifically excluded from this Schedule.

PIMINODINE (4-phenyl-1-(3-phenylaminopropyl) piperidine-4-carboxylic acid ethyl ester)
PIRITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)
PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
RACEMETHORPHAN ((±)-3-methoxy-N-methylmorphinan)
RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine
RACEMORPHAN ((±)-3-hydroxy-N-methylmorphinan)
THEBACON (acetyldihydrocodeinone)
THEBAINE
TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

List of Drugs Included in Schedule II

ACETYLDIHYDROCODEINE
CODEINE (3-methylmorphine)
DIHYDROCODEINE
ETHYLMORPHINE (3-ethylmorphine)
NICOCODINE (6-nicotinylcodeine)
NICODICODINE (6-nicotinyldihydrocodeine)
NORCODEINE (N-demethylcodeine)
PHOLCODINE (morpholinylethylmorphine)
PROPIRAM (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

List of Preparations Included in Schedule III

1. Preparations of Acetyldihydrocodeine,
Codeine,
Dihydrocodeine,
Ethylmorphine,
Nicodicodine,
Norcodeine, and
Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of propiram containing not more than 100 milligrams of propiram per dosage unit and compounded with at least the same amount of methylcellulose.

3. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

4. Preparations of difenoxin containing, per dosage unit, not more than 0.5 milligram of difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent of the dose of difenoxin.

5. Preparations of diphenoxylate containing, per dosage unit, not more than 2.5 milligrams of diphenoxylate calculated as base and a quantity of atropine sulphate equivalent to at least one per cent of the dose of diphenoxylate.

6. *Pulvis ipecacuanhae et opii compositus*

10 per cent opium in powder
10 per cent Ipecacuanha root, in powder
well mixed with
80 per cent of any other powdered ingredient containing no drug.

7. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug.

List of Drugs Included in Schedule IV

ACETORPHINE (3-*O*-acetyltetrahydro-7α-(1-hydroxy-1-methylbutyl)-6,14-*endo*etheno-oripavine)
CANNABIS and CANNABIS RESIN
DESOMORPHINE (dihydrodeoxymorphine)
ETORPHINE (tetrahydro-7α-(1-hydroxy-1-methylbutyl)-6,14-*endo*etheno-oripavine)
HEROIN (diacetylmorphine)
KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine); and

The salts of the drugs listed in this Schedule whenever the formation of such salts is possible.

B. 1 CONVENTION ON PSYCHOTROPIC SUBSTANCES

(Excerpt from *Food, Drug, and Related Law*, Vol. II of U.S. Congress. House. Committee on Energy and Commerce. *Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce*. Committee Print 99-C, March 1985)

CONVENTION ON PSYCHOTROPIC SUBSTANCES

PREAMBLE

The Parties,

Being concerned with the health and welfare of mankind,

Noting with concern the public health and social problems resulting from the abuse of certain psychotropic substances,

Determined to prevent and combat abuse of such substances and the illicit traffic to which it gives rise.

Considering that rigorous measures are necessary to restrict the use of such substances to legitimate purposes.

Recognizing that the use of psychotropic substances for medical and scientific purposes is indispensable and that their availability for such purposes should not be unduly restricted,

Believing that effective measures against abuse of such substances require co-ordination and universal action,

Acknowledging the competence of the United Nations in the field of control of psychotropic substances and desirous that the international organs concerned should be within the framework of that Organization,

Recognizing that an international convention is necessary to achieve these purposes,

Agree as follows:

ARTICLE 1

Use of terms

Except where otherwise expressly indicated, or where the context otherwise requires, the following terms in this Convention have the meanings given below:

(a) "Council" means the Economic and Social Council of the United Nations.

(b) "Commission" means the Commission on Narcotics Drugs of the Council.

(c) "Board" means the International Narcotics Control Board provided for in the Single Convention on Narcotic Drugs, 1961.

(d) "Secretary-General" means the Secretary-General of the United Nations.

(e) "Psychotropic substance" means any substance, natural or synthetic, or any natural material in Schedule I, II, III or IV.

(f) "Preparation" means:

(i) any solution or mixture, in whatever physical state, containing one or more psychotropic substances, or

(ii) one or more psychotropic substances in dosage form.

(g) "Schedule I", "Schedule II", "Schedule III" and "Schedule IV" mean the correspondingly numbered lists of psychotropic substances annexed to this Convention, as altered in accordance with article 2.

(h) "Export" and "import" mean in their respective connotations the physical transfer of a psychotropic substance from one State to another State.

(i) "Manufacture" means all processes by which psychotropic substances may be obtained, and includes refining as well as the transformation of psychotropic substances into other psychotropic substances. The term also includes the making of preparations other than those made on prescription in pharmacies.

(j) "Illicit traffic" means manufacture of or trafficking in psychotropic substances contrary to the provisions of this Convention.

(k) "Region" means any part of a State which pursuant to article 28 is treated as a separate entity for the purposes of this Convention.

(l) "Premises" means buildings or parts of buildings, including the appertaining land.

ARTICLE 2

Scope of control of substances

1. If a Party or the World Health Organization has information relating to a substance not yet under international control which in its opinion may require the addition of that substance to any of the Schedules of this Convention, it shall notify the Secretary-General and furnish him with the information in support of that notification. The foregoing procedure shall also apply when a Party or the World Health Organization has information justifying the transfer of a substance from one Schedule to another among those Schedules, or the deletion of a substance from the Schedules.

2. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization.

3. If the information transmitted with such a notification indicates that the substance is suitable for inclusion in Schedule I or Schedule II pursuant to paragraph 4, the Parties shall examine, in the light of all information available to them, the possibility of the provisional application to the substance of all measures of control applicable to substances in Schedule I or Schedule II, as appropriate.

4. If the World Health Organization finds:

(a) that the substance has the capacity to produce

(i)(1) a state of dependence, and

(2) central nervous system stimulation or depression, resulting in hallucinations or disturbances in motor function or thinking or behaviour or perception or mood, or

(ii) similar abuse and similar ill effects as a substance in Schedule I, II, III or IV, and

(b) that there is sufficient evidence that the substance is being or is likely to be abused so as to constitute a public health and social problem warranting the placing of the substance under international control,

the World Health Organization shall communicate to the Commission an assessment of the substance, including the extent or likelihood of abuse, the degree of seriousness of the public health and social problem and the degree of usefulness of the substance in medical therapy, together with recommendations on control measures, if any, that would be appropriate in the light of its assessment.

5. The Commission, taking into account the communication from the World Health Organization, whose assessments shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may add the substance to Schedule I, II, III or IV. The Commission may seek further information from the World Health Organization or from other appropriate sources.

6. If a notification under paragraph 1 relates to a substance already listed in one of the Schedules, the World Health Organization shall communicate to the Commission its new findings, any new assessment of the substance it may make in accordance with paragraph 4 and any new recommendations on control measures it may find appropriate in the light of that assessment. The Commission, taking into account the communication from the World Health Organization as under paragraph 5 and bearing in mind the factors referred to in that paragraph, may decide to transfer the substance from one Schedule to another or to delete it from the Schedules.

7. Any decision of the Commission taken pursuant to this article shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. Such decision shall become fully effective with respect to each Party 180 days after the date of such communication, except for any Party which, within that period, in respect of a decision adding a substance to a Schedule, has transmitted to the Secretary-General a written notice that, in view of exceptional circumstances, it is not in a position to give effect with respect to that substance to all of the provisions of the Convention applicable to substances in that Schedule. Such notice shall state the reasons for this exceptional action. Notwithstanding its notice, each Party shall apply, as a minimum, the control measures listed below:

(a) A Party having given such notice with respect to a previously uncontrolled substance added to Schedule I shall take into account, as far as possible, the special control measures enumerated in article 7 and, with respect to that substance, shall:

(i) require licenses for manufacture, trade and distribution as provided in article 8 for substances in Schedule II;

(ii) require medical prescriptions for supply or dispensing as provided in article 9 for substances in Schedule II;

(iii) comply with the obligations relating to export and import provided in article 12, except in respect to another Party having given such notice for the substance in question;

(iv) comply with the obligations provided in article 13 for substances in Schedule II in regard to prohibition of and restrictions on export and import;

(v) furnish statistical reports to the Board in accordance with paragraph 4(a) of article 16; and

(vi) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(b) A party having given such notice with regard to a previously uncontrolled substance added to Schedule II shall, with respect to that substance:

(i) require licenses for manufacture, trade and distribution in accordance with article 8;

(ii) require medical prescriptions for supply or dispensing in accordance with article 9;

(iii) comply with the obligations relating to export and import provided in article 12, except in respect to another Party having given such notice for the substance in question;

(iv) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import;

(v) furnish statistical reports to the Board in accordance with paragraphs 4(a), (c) and (d) of article 16; and

(vi) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(c) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule III shall, with respect to that substance:

(i) require licenses for manufacture, trade and distribution in accordance with article 8;

(ii) require medical prescriptions for supply or dispensing in accordance with article 9;

(iii) comply with the obligations relating to export provided in article 12, except in respect to another Party having given such notice for the substance in question;

(iv) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and

(v) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(d) A Party having given such notice with regard to a previously uncontrolled substance added to Schedule IV shall, with respect to that substance:

(i) require licenses for manufacture, trade and distribution in accordance with article 8;

(ii) comply with the obligations of article 13 in regard to prohibition of and restrictions on export and import; and

(iii) adopt measures in accordance with article 22 for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

(e) A Party having given such notice with regard to a substance transferred to a Schedule providing stricter controls and obligations shall apply as a minimum all of the provisions of this Convention applicable to the Schedule from which it was transferred.

8. (a) The decisions of the Commission taken under this article shall be subject to review by the Council upon the request of any Party filed within 180 days from receipt of notification of the decision. The request for review shall be sent to the Secretary-General together with all relevant information upon which the request for review is based.

(b) The Secretary-General shall transmit copies of the request for review and the relevant information to the Commission, to the World Health Organization and to all the Parties, inviting them to submit comments within ninety days. All comments received shall be submitted to the Council for consideration.

(c) The Council may confirm, alter or reverse the decision of the Commission. Notification of the Council's decision shall be transmitted to all States Members of the United Nations, to non-member States Parties to this Convention, to the Commission, to the World Health Organization and to the Board.

(d) During pendency of the review, the original decision of the Commission shall, subject to paragraph 7, remain in effect.

9. The Parties shall use their best endeavours to apply to substances which do not fall under this Convention, but which may be used in the illicit manufacture of psychotropic substances, such measures of supervision as may be practicable.

ARTICLE 3

Special provisions regarding the control of preparations

1. Except as provided in the following paragraphs of this article, a preparation is subject to the same measures of control as the psychotropic substance which it contains, and, if it contains more than one such substance, to the measures applicable to the most strictly controlled of those substances.

2. If a preparation containing a psychotropic substance other than a substance in Schedule I is compounded in such a way that it presents no, or a negligible, risk of abuse and the substance cannot be recovered by readily applicable means in a quantity liable to abuse, so that the preparation does not give rise to a public health and social problem, the preparation may be exempted from certain of the measures of control provided in this Convention in accordance with paragraph 3.

3. If a Party makes a finding under the preceding paragraph regarding a preparation, it may decide to exempt the preparation, in its country or in one of its regions, from any or all of the measures of control provided in this Convention except the requirements of:

(a) article 8 (licenses), as it applies to manufacture;
(b) article 11 (records), as it applies to exempt preparations;
(c) article 13 (prohibition of and restrictions on export and import);
(d) article 15 (inspection), as it applies to manufacture;

(e) article 16 (reports to be furnished by the Parties), as it applies to exempt preparations; and

(f) article 22 (penal provisions), to the extent necessary for the repression of acts contrary to laws or regulations adopted pursuant to the foregoing obligations.

A Party shall notify the Secretary-General of any such decision, of the name and composition of the exempt preparation, and of the measures of control from which it is exempted. The Secretary-General shall transmit the notification to the other Parties, to the World Health Organization and to the Board.

4. If a Party or the World Health Organization has information regarding a preparation exempted pursuant to paragraph 3 which in its opinion may require the termination, in whole or in part, of the exemption, it shall notify the Secretary-General and furnish him with the information in support of the notification. The Secretary-General shall transmit such notification, and any information which he considers relevant, to the Parties, to the Commission and, when the notification is made by a Party, to the World Health Organization. The World Health Organization shall communicate to the Commission an assessment of the preparation in relation to the matters specified in paragraph 2, together with a recommendation of the control measures, if any, from which the preparation should cease to be exempted. The Commission, taking into account the communication from the World Health Organization, whose assessment shall be determinative as to medical and scientific matters, and bearing in mind the economic, social, legal, administrative and other factors it may consider relevant, may decide to terminate the exemption of the preparation from any or all control measures. Any decision of the Commission taken pursuant to this paragraph shall be communicated by the Secretary-General to all States Members of the United Nations, to non-member States Parties to this Convention, to the World Health Organization and to the Board. All Parties shall take measures to terminate the exemption from the control measure or measures in question within 180 days of the date of the Secretary-General's communication.

ARTICLE 4

Other special provisions regarding the scope of control

In respect of psychotropic substances other than those in Schedule I, the Parties may permit:

(a) the carrying by international travellers of small quantities of preparations for personal use; each Party shall be entitled, however, to satisfy itself that these preparations have been lawfully obtained;

(b) the use of such substances in industry for the manufacture of non-psychotropic substances or products, subject to the application of the measures of control required by this Convention until the psychotropic substances come to be in such a condition that they will not in practice be abused or recovered;

(c) the use of such substances, subject to the application of the measures of control required by this Convention, for the capture of animals by persons specifically authorized by the competent authorities to use such substances for that purpose.

ARTICLE 5

Limitation of use to medical and scientific purposes

1. Each Party shall limit the use of substances in Schedule I as provided in article 7.

2. Each Party shall, except as provided in article 4, limit by such measures as it considers appropriate the manufacture, export, import, distribution and stocks of, trade in, and use and possession of, substances in Schedules II, III and IV to medical and scientific purposes.

3. It is desirable that the Parties do not permit the possession of substances in Schedules II, III and IV except under legal authority.

ARTICLE 6

Special administration

It is desirable that for the purpose of applying the provisions of this Convention, each Party establish and maintain a special administration, which may with advantage be the same as, or work in close cooperation, with the special administration established pursuant to the provisions of conventions for the control of narcotic drugs.

ARTICLE 7

Special provisions regarding substances in Schedule I

In respect of substances in Schedule I, the Parties shall:

(a) prohibit all use except for scientific and very limited medical purposes by duly authorized persons, in medical or scientific establishments which are directly under the control of their Governments or specifically approved by them;

(b) require that manufacture, trade, distribution and possession be under a special license or prior authorization;

(c) provide for close supervision of the activities and acts mentioned in paragraphs (a) and (b);

(d) restrict the amount supplied to a duly authorized person to the quantity required for his authorized purpose;

(e) require that persons performing medical or scientific functions keep records concerning the acquisition of the substances and the details of their use, such records to be preserved for at least two years after the last use recorded therein; and

(f) prohibit export and import except when both the exporter and importer are the competent authorities or agencies of the exporting and importing country or region, respectively, or other persons or enterprises which are specifically authorized by the competent authorities of their country or region for the purpose. The requirements of paragraph 1 of article 12 for export and import authorizations for substances in Schedule II shall also apply to substances in Schedule I.

ARTICLE 8

Licenses

1. The Parties shall require that the manufacture of, trade (including export and import trade) in, and distribution of substances listed in Schedules II, III and IV be under license or other similar control measure.

2. The Parties shall:

(a) control all duly authorized persons and enterprises carrying on or engaged in the manufacture of, trade (including export and import trade) in, or distribution of substances referred to in paragraph 1;

(b) control under license or other similar control measure the establishments and premises in which such manufacture, trade or distribution may take place; and

(c) provide that security measures be taken with regard to such establishments and premises in order to prevent theft or other diversion of stocks.

3. The provisions of paragraphs 1 and 2 of this article relating to licensing or other similar control measures need not apply to persons duly authorized to perform and while performing therapeutic or scientific functions.

4. The Parties shall require that all persons who obtain licenses in accordance with this Convention or who are otherwise authorized pursuant to paragraph 1 of this article or sub-paragraph (b) of article 7 shall be adequately qualified for the effective and faithful execution of the provisions of such laws and regulations as are enacted in pursuance of this Convention.

ARTICLE 9

Prescriptions

1. The Parties shall require that substances in Schedules II, III, and IV be supplied or dispensed for use by individuals pursuant to medical prescription only, except when individuals may lawfully obtain, use, dispense or administer such substances in the duly authorized exercise of therapeutic or scientific functions.

2. The Parties shall take measures to ensure that prescriptions for substances in Schedules II, III, and IV are issued in accordance with sound medical practice and subject to such regulation, particularly as to the number of times they may be refilled and the duration of their validity, as will protect the public health and welfare.

3. Notwithstanding paragraph 1, a Party may, if in its opinion local circumstances so require and under such conditions, including record-keeping, as it may prescribe, authorize licensed pharmacists or other licensed retail distributors designated by the authorities responsible for public health in its country or part thereof to supply, at their discretion and without prescription, for use for medical purposes by individuals in exceptional cases, small quantities, within limits to be defined by the Parties, of substances in Schedules III and IV.

ARTICLE 10

Warnings on packages, and advertising

1. Each Party shall require, taking into account any relevant regulations or recommendations of the World Health Organization, such directions for use, including cautions and warnings, to be indicated on the labels where practicable and in any case on the accompanying leaflet of retail packages of psychotropic substances, as in its opinion are necessary for the safety of the user.

2. Each Party shall, with due regard to its constitutional provisions, prohibit the advertisement of such substances to the general public.

ARTICLE 11

Records

1. The Parties shall require that, in respect of substances in Schedule I, manufacturers and all other persons authorized under article 7 to trade in and distribute those substances keep records, as may be determined by each Party, showing details of the quantities manufactured, the quantities held in stock, and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

2. The Parties shall require that, in respect of substances in Schedules II and III, manufacturers, wholesale distributors, exporters and importers keep records, as may be determined by each Party, showing details of the quantities manufactured and, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

3. The Parties shall require that, in respect of substances in Schedule II, retail distributors, institutions for hospitalization and care and scientific institutions keep records, as may be determined by each Party, showing, for each acquisition and disposal, details of the quantity, date, supplier and recipient.

4. The Parties shall ensure, through appropriate methods and taking into account the professional and trade practices in their countries, that information regarding acquisition and disposal of substances in Schedule III by retail distributors, institutions for hospitalization and care and scientific institutions is readily available.

5. The Parties shall require that, in respect of substances in Schedule IV, manufacturers, exporters and importers keep records, as may be determined by each Party, showing the quantities manufactured, exported and imported.

6. The Parties shall require manufacturers of preparations exempted under paragraph 3 of article 3 to keep records as to the quantity of each psychotropic substance used in the manufacture of an exempt preparation, and as to the nature, total quantity and initial disposal of the exempt preparation manufactured therefrom.

7. The Parties shall ensure that the records and information referred to in this article which are required for purposes of reports under article 16 shall be preserved for at least two years.

ARTICLE 12

Provisions relating to international trade

1. (a) Every Party permitting the export or import of substances in Schedule I or II shall require a separate import or export authorization, on a form to be established by the Commission, to be obtained for each such export or import whether it consists of one or more substances.

(b) Such authorization shall state the international non-proprietary name, or, lacking such a name, the designation of the substance in the Schedule, the quantity to be exported or imported, the pharmaceutical form, the name and address of the exporter and importer, and the period within which the export or import must be effected. If the substance is exported or imported in the form of a preparation, the name of the preparation, if any, shall additionally be furnished. The export authorization shall also state the number and date of the import authorization and the authority by whom it has been issued.

(c) Before issuing an export authorization the Parties shall require an import authorization, issued by the competent authority of the importing country or region and certifying that the importation of the substance or substances referred to therein is approved, and such an authorization shall be produced by the person or establishment applying for the export authorization.

(d) A copy of the export authorization shall accompany each consignment, and the Government issuing the export authorization shall send a copy to the Government of the importing country or region.

(e) The Government of the importing country or region, when the importation has been effected, shall return the export authorization with an endorsement certifying the amount actually imported, to the Government of the exporting country or region.

2. (a) The Parties shall require that for each export of substances in Schedule III exporters shall draw up a declaration in triplicate, on a form to be established by the Commission, containing the following information:

(i) the name and address of the exporter and importer;

(ii) the international non-proprietary name, or, failing such a name, the designation of the substance in the Schedule;

(iii) the quantity and pharmaceutical form in which the substance is exported, and, if in the form of a preparation, the name of the preparation, if any; and

(iv) the date of despatch.

(b) Exporters shall furnish the competent authorities of their country or region with two copies of the declaration. They shall attach the third copy to their consignment.

(c) A Party from whose territory a substance in Schedule III has been exported shall, as soon as possible but not later than ninety days after the date of despatch, send to the competent authorities of the importing country or region, by registered mail with return of receipt requested, one copy of the declaration received from the exporter.

(d) The Parties may require that, on receipt of the consignment, the importer shall transmit the copy accompanying the consignment, duly endorsed stating the quantities received and the date of receipt, to the competent authorities of his country or region.

3. In respect of substances in Schedules I and II the following additional provisions shall apply:

(a) The Parties shall exercise in free ports and zones the same supervision and control as in other parts of their territory, provided, however, that they may apply more drastic measures.

(b) Exports of consignments to a post office box, or to a bank to the account of a person other than the person named in the export authorization, shall be prohibited.

(c) Exports to bonded warehouses of consignments of substances in Schedule I are prohibited. Exports of consignments of substances in Schedule II to a bonded warehouse are prohibited unless the Government of the importing country certifies on the import authorization, produced by the person or establishment applying for the export authorization, that it has approved the importation for the purpose of being placed in a bonded warehouse. In such case the export authorization shall certify that the consignment is exported for such purpose. Each withdrawal from the bonded warehouse shall require a permit from the authorities having jurisdiction over the warehouse and, in the case of a foreign destination, shall be treated as if it were a new export within the meaning of this Convention.

(d) Consignments entering or leaving the territory of a Party not accompanied by an export authorization shall be detained by the competent authorities.

(e) A Party shall not permit any substances consigned to another country to pass through its territory, whether or not the consignment is removed from the conveyance in which it is carried, unless a copy of the export authorization for consignment is produced to the competent authorities of such Party.

(f) The competent authorities of any country or region through which a consignment of substances is permitted to pass shall take all due measures to prevent the diversion of the consignment to a destination other than that named in the accompanying copy of the export authorization, unless the Government of the country or region through which the consignment is passing authorizes the diversion. The Government of the country or region of transit shall treat any requested diversion as if the diversion were an export from the country or region of transit to the country or region of new destination. If the diversion is authorized, the provisions of paragraph 1(e) shall also apply between the country or region of transit and the country or region which originally exported the consignment.

(g) No consignment of substances, while in transit or whilst being stored in a bonded warehouse, may be subjected to any process which would change the nature of the substance in question. The packing may not be altered without the permission of the competent authorities.

(h) The provisions of sub-paragraphs (e) to (g) relating to the passage of substances through the territory of a Party do not apply where the consignment in question is transported by aircraft which does not land in the country or region of transit. If the aircraft lands in any such country or region, those provisions shall be applied so far as circumstances require.

(i) The provisions of this paragraph are without prejudice to the provisions of any international agreements which limit the control which may be exercised by any of the Parties over such substances in transit.

ARTICLE 13

Prohibition of and restrictions on export and import

1. A Party may notify all the other Parties through the Secretary-General that it prohibits the import into its country or into one of its regions of one or more substances in Schedule II, III, IV, specified in its notification. Any such notification shall specify the name of the substance as designated in Schedule II, III or IV.

2. If a Party has been notified of a prohibition pursuant to paragraph 1, it shall take measures to ensure that none of the substances specified in the notification is exported to the country or one of the regions of the notifying Party.

3. Notwithstanding the provisions of the preceding paragraphs, a Party which has given notification pursuant to paragraph 1 may authorize by special import license in each case the import of specified quantities of the substances in question or preparations containing such substances. The issuing authority of the importing country shall send two copies of the special import license, indicating the name and address of the importer and the exporter, to the competent authority of the exporting country or region, which may then authorize the exporter to make the shipment. One copy of the special import licence, duly endorsed by the competent authority of the exporting country or region, shall accompany the shipment.

ARTICLE 14

Special provisions concerning the carriage of psychotropic substances in first-aid kits of ships, aircraft or other forms of public transport engaged in international traffic

1. The international carriage by ships, aircraft or other forms of international public transport, such as international railway trains and motor coaches, of such limited quantities of substances in Schedule II, III or IV as may be needed during their journey or voyage for first-aid purposes or emergency cases shall not be considered to be export, import or passage through a country within the meaning of this Convention.

2. Appropriate safeguards shall be taken by the country of registry to prevent the improper use of the substances referred to in paragraph 1 or their diversion for illicit purposes. The Commission, in consultation with the appropriate international organizations, shall recommend such safeguards.

3. Substances carried by ships, aircraft or other forms of international public transport, such as international railway trains and motor coaches, in accordance with paragraph 1 shall be subject to

the laws, regulations, permits and licences of the country of registry, without prejudice to any rights of the competent local authorities to carry out checks, inspections and other control measures on board these conveyances. The administration of such substances in the case of emergency shall not be considered a violation of the requirements of paragraph 1 of article 9.

ARTICLE 15

Inspection

The Parties shall maintain a system of inspection of manufacturers, exporters, importers, and wholesale and retail distributors of psychotropic substances and of medical and scientific institutions which use such substances. They shall provide for inspections, which shall be made as frequently as they consider necessary, of the premises and of stocks and records.

ARTICLE 16

Reports to be furnished by the Parties

1. The Parties shall furnish to the Secretary-General such information as the Commission may request as being necessary for the performance of its functions, and in particular an annual report regarding the working of the Convention in their territories including information on:

(a) important changes in their laws and regulations concerning psychotropic substances; and

(b) significant developments in the abuse of and the illicit traffic in psychotropic substances within their territories.

2. The Parties shall also notify the Secretary-General of the names and addresses of the governmental authorities referred to in sub-paragraph (f) of article 7, in article 12 and in paragraph 3 of article 13. Such information shall be made available to all Parties by the Secretary-General.

3. The Parties shall furnish, as soon as possible after the event, a report to the Secretary-General in respect of any case of illicit traffic in psychotropic substances or seizure from such illicit traffic which they consider important because of:

(a) new trends disclosed;

(b) the quantities involved;

(c) the light thrown on the sources from which the substances are obtained; or

(d) the methods employed by illicit traffickers.

Copies of the report shall be communicated in accordance with sub-paragraph (b) of article 21.

4. The Parties shall furnish to the Board annual statistical reports in accordance with forms prepared by the Board:

(a) in regard to each substance in Schedules I and II, on quantities manufactured, exported to and imported from each country or region as well as on stocks held by manufacturers;

(b) in regard to each substance in Schedules III and IV, on quantities manufactured, as well as on total quantities exported and imported;

(c) in regard to each substance in Schedules II and III, on quantities used in the manufacture of exempt preparations; and

(d) in regard to each substance other than a substance in Schedule I, on quantities used for industrial purposes in accordance with sub-paragraph (b) of article 4.

The quantities manufactured which are referred to in sub-paragraphs (a) and (b) of this paragraph do not include the quantities of preparations manufactured.

5. A Party shall furnish the Board, on its request, with supplementary statistical information relating to future periods on the quantities of any individual substance in Schedules III and IV exported to and imported from each country or region. That Party may request that the Board treat as confidential both its request for information and the information given under this paragraph.

6. The Parties shall furnish the information referred to in paragraphs 1 and 4 in such a manner and by such dates as the Commission or the Board may request.

ARTICLE 17

Functions of the Commission

1. The Commission may consider all matters pertaining to the aims of this Convention and to the implementation of its provisions, and may make recommendations relating thereto.

2. The decisions of the Commission provided for in articles 2 and 3 shall be taken by a two-thirds majority of the members of the Commission.

ARTICLE 18

Reports of the Board

1. The Board shall prepare annual reports on its work containing an analysis of the statistical information at its disposal, and, in appropriate cases, an account of the explanations, if any, given by or required of Governments, together with any observations and recommendations which the Board desires to make. The Board may make such additional reports as it considers necessary. The reports shall be submitted to the Council through the Commission, which may make such comments as it sees fit.

2. The reports of the Board shall be communicated to the Parties and subsequently published by the Secretary-General. The Parties shall permit their unrestricted distribution.

ARTICLE 19

Measures by the Board to ensure the execution of the provisions of the Convention

1. (a) If, on the basis of its examination of information submitted by governments to the Board or of information communicated by United Nations organs, the Board has reason to believe that the aims of this Convention are being seriously endangered by reason of the failure of a country or region to carry out the provisions of

this Convention, the Board shall have the right to ask for explanations from the Government of the country or region in question. Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in sub-paragraph (c) below, it shall treat as confidential a request for information or an explanation by a government under this sub-paragraph.

(b) After taking action under sub-paragraph (a), the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) If the Board finds that the Government concerned has failed to given satisfactory explanations when called upon to do so under sub-paragraph (a), or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b), it may call the attention to the Parties, the Council and the Commission to the matter.

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1(c), may, if it is satisfied that such a course is necessary, recommend to the Parties that they stop the export, import, or both, of particular psychotropic substances, from or to the country or region concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or region. The State concerned may bring the matter before the Council.

3. The Board shall have the right to publish a report on any matter dealt with under the provisions of this article, and communicate it to the Council, which shall forward it to all Parties. If the Board publishes in this report a decision taken under this article or any information relating thereto, it shall also publish therein the views of the Government concerned if the latter so requests.

4. If in any case a decision of the Board which is published under this article is not unanimous, the views of the minority shall be stated.

5. Any State shall be invited to be represented at a meeting of the Board at which a question directly interesting it is considered under this article.

6. Decisions of the Board under this article shall be taken by a two-thirds majority of the whole number of the Board.

7. The provisions of the above paragraphs shall also apply if the Board has reason to believe that the aims of this Convention are being seriously endangered as a result of decision taken by a Party under paragraph 7 of article 2.

ARTICLE 20

Measures against the abuse of psychotropic substances

1. The Parties shall take all practicable measures for the prevention of abuse of psychotropic substances and for the early identification, treatment, education, after-care, rehabilitation and social

reintegration of the persons involved, and shall co-ordinate their efforts to these ends.

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abuses of psychotropic substances.

3. The Parties shall assist persons whose work so requires to gain an understanding of the problems of abuse of psychotropic substances and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of such substances will become widespread.

ARTICLE 21

Action against the illicit traffic

Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) make arrangements at the national level for the co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) assist each other in the campaign against the illicit traffic in psychotropic substances, and in particular immediately transmit, through the diplomatic channel or the competent authorities designated by the Parties for this purpose, to the other Parties directly concerned, a copy of any report addressed to the Secretary-General under article 16 in connexion with the discovery of a case of illicit traffic or a seizure;

(c) co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner; and

(e) ensure that, where legal papers are transmitted internationally for the purpose of judicial proceedings, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel.

ARTICLE 22

Penal provisions

1. (a) Subject to its constitutional limitations, each Party shall treat as a punishable offence, when committed intentionally, any action contrary to a law or regulation adopted in pursuance of its obligations under this Convention, and shall ensure that serious offences shall be liable to adequate punishment, particularly by imprisonment or other penalty of deprivation of liberty.

(b) Notwithstanding the preceding sub-paragraph, when abusers of psychotropic substances have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to punishment, that such abusers undergo measures of treatment, education, after-care, rehabilitation and social reintegration in conformity with paragraph 1 of article 20.

2. Subject to the constitutional limitations of a Party, its legal system and domestic law.

(a)(i) if a series of related actions constituting offences under paragraph 1 has been committed in different countries, each of them shall be treated as a distinct offence;

(ii) intentional participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connection with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) foreign convictions for such offences shall be taken into account for the purpose of establishing recidivism; and

(iv) serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgment given.

(b) It is desirable that the offences referred to in paragraph 1 and paragraph 2(a)(ii) be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the Parties, and, as between any of the Parties which do not make extradition conditional on the existence of a treaty or on reciprocity, be recognized as extradition crimes; provided that extradition shall be granted in conformity with the law of the Party to which application is made, and that the Party shall have the right to refuse to effect the arrest or grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious.

3. Any psychotropic substance or other substance, as well as any equipment, used in or intended for the commission of any of the offences referred to in paragraphs 1 and 2 shall be liable to seizure and confiscation.

4. The provisions of this article shall be subject to the provisions of the domestic law of the Party concerned on questions of jurisdiction.

5. Nothing contained in this article shall affect the principle that the offences to which it refers shall be defined, prosecuted and punished in conformity with the domestic law of a Party.

ARTICLE 23

Application of stricter control measures than those required by this Convention

A Party may adopt more strict or severe measures of control than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the protection of the public health and welfare.

ARTICLE 24

Expenses of international organs incurred in administering the provisions of the Convention

The expenses of the Commission and the Board in carrying out their respective functions under this Convention shall be borne by the United Nations in such manner as shall be decided by the General Assembly. The Parties which are not Members of the United Nations shall contribute to these expenses such amounts as the General Assembly finds equitable and assesses from time to time after consultation with the Governments of these Parties.

ARTICLE 25

Procedure for admission, signature, ratification and accession

1. Members of the United Nations, States not Members of the United Nations which are members of a specialized agency of the United Nations or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and any other State invited by the Council, may become Parties to this Convention:

(a) by signing it; or
(b) by ratifying it after signing it subject to ratification; or
(c) by acceding to it.

2. The Convention shall be open for signature until 1 January 1972 inclusive. Thereafter it shall be open for accession.

3. Instruments of ratification or accession shall be deposited with the Secretary-General.

ARTICLE 26

Entry into force

1. The Convention shall come into force on the ninetieth day after forty of the States referred to in paragraph 1 of article 25 have signed it without reservation of ratification or have deposited their instruments of ratification or accession.

2. For any other State signing without reservation of ratification, or depositing an instrument of ratification or accession after the last signature or deposit referred to in the preceding paragraph, the Convention shall enter into force on the ninetieth day following the date of its signature or deposit of its instrument of ratification or accession.

ARTICLE 27

Territorial application

The Convention shall apply to all non-metropolitan territories for the international relations of which any Party is responsible except where the previous consent of such a territory is required by the Constitution of the Party or of the territory concerned, or required by custom. In such a case the Party shall endeavour to secure the needed consent of the territory within the shortest period possible, and when the consent is obtained the Party shall notify the Secretary-General. The Convention shall apply to the territory or territories named in such a notification from the date of its receipt by the Secretary-General. In those cases where the previous consent of the non-metropolitan territory is not required, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which this Convention applies.

ARTICLE 28

Regions for the purposes of this Convention

1. Any Party may notify the Secretary-General that, for the purposes of this Convention, its territory is divided into two or more regions, or that two or more of its regions are consolidated into a single region.

2. Two or more Parties may notify the Secretary-General that, as the result of the establishment of a customs union between them, those Parties constitute a region for the purposes of this Convention.

3. Any notification under paragraph 1 or 2 shall take effect on 1 January of the year following the year in which the notification was made.

ARTICLE 29

Denunciation

1. After the expiry of two years from the date of the coming into force of this Convention any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 27, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July of any year, shall take effect on the first day of January of the succeeding year, and if received after the first day of July it shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. The Convention shall be terminated if, as a result of denunciations made in accordance with paragraphs 1 and 2, the conditions for its coming into force as laid down in paragraph 1 of article 26 cease to exist.

ARTICLE 30

Amendments

1. Any Party may propose an amendment to this Convention. The text of any such amendment and the reasons therefor shall be communicated to the Secretary-General, who shall communicate them to the Parties and to the Council. The Council may decide either:

(a) that a conference shall be called in accordance with paragraph 4 of Article 62 of the Charter of the United Nations to consider the proposed amendment; or

(b) that the Parties shall be asked whether they accept the proposed amendment and also asked to submit to the Council any comments on the proposal.

2. If a proposed amendment circulated under paragraph 1(b) has not been rejected by any Party within eighteen months after it has been circulated, it shall thereupon enter into force. If however a proposed amendment is rejected by any Party, the Council may decide, in the light of comments received from Parties, whether a conference shall be called to consider such amendment.

ARTICLE 31

Disputes

1. If there should arise between two or more Parties, a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2. Any such dispute which cannot be settled in the manner prescribed shall be referred, at the request of any one of the parties to the dispute, to the International Court of Justice for decision.

ARTICLE 32

Reservations

1. No reservation other than those made in accordance with paragraphs 2, 3 and 4 of the present article shall be permitted.

2. Any State may at the time of signature, ratification or accession make reservations in respect of the following provisions of the present Convention:

(a) article 19, paragraphs 1 and 2;
(b) article 27; and
(c) article 31.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraphs 2 and 4 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have signed without reservation of ratification, ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume toward the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State on whose territory there are plants growing wild which contain psychotropic substances from among those in Schedule I and which are traditionally used by certain small, clearly determined groups in magical or religious rites, may, at the time of

signature, ratification or accession make reservations concerning these plants, in respect to the provisions of article 7, except for the provisions relating to international trade.

5. A State which has made reservations may at any time by notification in writing to the Secretary-General withdraw all or part of its reservations.

ARTICLE 33

Notifications

The Secretary-General shall notify to all the States referred to in paragraph 1 of article 25:

(a) signatures, ratifications and accessions in accordance with article 25;

(b) the date upon which this Convention enters into force in accordance with article 26;

(c) denunciations in accordance with article 29; and

(d) declarations and notifications under articles 27, 28, 30 and 32.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.

DONE AT VIENNA, this twenty-first day of February one thousand nine hundred and seventy-one, in a single copy in the Chinese, English, Russian and Spanish languages, each being equally authentic. The Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies thereof to all the Members of the United Nations and to the other States referred to in paragraph 1 of article 25.

LISTS OF SUBSTANCES IN THE SCHEDULES

INN[1]	Other nonproprietary or trivial names	Chemical name
List of substances in schedule I:		
1	DET	N,N-diethyltryptamine.
2	DMHP	3-(1,2-dimethylheptyl)-1-hydroxy-7,8,9,10 tetrahydro-6,6,9-trimethyl-6H-dibenso [b,9] pyran.
3	DMT	N,N-dimethyltryptamine.
4. (+)LYSERGIDE	LSD, LSD-25	(+)-N,N-diethyllysergamide (d-lysergic acid diethylamide).
5	Mescaline	3,4,5-trimethoxyphenethylamine.
6	Parahexyl	3-hexyl-l-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenso[b,d] pyran.
7	Pallocine, palletain	3-(2-dimethylaminosthyl)-4-hydroxy-indole.
8. PSILOCYBINE		3-(2-dimethylaminoethylindol-4-y) dihydrogen phosphate.
9	STP, DOM	2-amino-1-(2,5-dimethoxy-4-methyl) phenyl-propane.
10	Tetrahydrocannabinols, all isomers.	1-hydroxy-3-pentyl-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6-H-dibenso[b,d] pyran.
List of substances in schedule II:		
1. AMPHETAMINE		(±)-2-amino-1-phenylpropane.
2. DEXAMPHETAMINE		(+)-2-amino-1-phenylpropane.
3. METHAMPHETAMINE		(+)-2-methylamino-1-phenylpropane.
4. METHYLPHENIDATE		2-phenyl-2-(2-piperidyl)acetic acid, methyl ester.
5. PHENCYCLIDINE		1-(1-phenylcyclohexyl) piperidine.
6. PHENMETRAZINE		3-methyl-2-phenylmorpholine.
List of substances in schedule III:		
1. AMOBARBITAL		5-ethyl-5-(3-methylbutyl) barbituric acid.
2. CYCLOBARBITAL		5-(1-cyclohexan-1-yl)-5-ethylbarbituric acid.
3. GLUTETHIMIDE		2-ethyl-2-methylamine-1-phenylpropane.

LISTS OF SUBSTANCES IN THE SCHEDULES—Continued

INN[1]	Other nonproprietary or trivial names	Chemical name
4. PENTOBARBITAL		5-ethyl-5-(1-methylbutyl) barbituric acid.
5. SECOBARBITAL		5-allyl-5-(1-methylbutyl) barbituric acid.
List of substances in schedule IV:		
1. AMFEPRAMONE		2-(diethylamine) propiophenone.
2. BARBITAL		5,5-diethylbarbituric acid.
3.	ethchlorvynol	ethyl-2-chlorovinylethinyl-carbionl.
4. ETHINAMATE		1-ethynylcyclohexanolcarbamate.
5. MEPROBAMATE		2-methyl-2-propyl-1,3-propanediol dicarbamate.
6. METHAQUALONE		2-methyl-3-a-tolyl-4(3H)-quinazolinone.
7. METHYLPHENO-BARBITAL		5-ethyl-1-methyl-5-phenyl-barbituric acid.
8. METHYPRYLON		3,3-diethyl-5-methyl-2,4-piperidine-dione.
9. PHENOBARBITAL		5-ethyl-5-phenylbarbituric acid.
10. PIPRADROL		1,1-diphenyl-1-1-(2-piperidyl) methanol.
11	SPA	(−)-1-dimethylamine-1,2-diphenylethane.

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[1] The names printed in capitals in the left hand column are the International Nonproprietary Names (INN). With 1 exception ((+)-LYSERGIDE), other nonproprietary or trivial names are given only where no INN has yet been proposed.

B. 2 CONVENTION OF PSYCHOTROPIC SUBSTANCES: IMPLEMENTING LAW FINDINGS

(Excerpt from *Food, Drug, and Related Law*, Vol. II
of U.S. Congress. House. Committee on Energy and Commerce.
Compilation of Selected Acts Within the Jurisdiction of the Committee on Energy and Commerce. Committee Print 99-C, March 1985)

CONVENTION ON PSYCHOTROPIC SUBSTANCES: IMPLEMENTING LAW FINDINGS

SECTION 101 OF PSYCHOTROPIC SUBSTANCES ACT OF 1978

[Public Law 95-633] *

TITLE I—ENABLING PROVISIONS FOR THE CONVENTION ON PSYCHOTROPIC SUBSTANCES

SEC. 101. The Congress makes the following findings and declarations:

(1) The Congress has long recognized the danger involved in the manufacture, distribution, and use of certain psychotropic substances for nonscientific and nonmedical purposes, and has provided strong and effective legislation to control illicit trafficking and to regulate legitimate uses of psychotropic substances in this country. Abuse of psychotropic substances has become a phenomenon common to many countries, however, and is not confined to national borders. It is, therefore, essential that the United States cooperate with other nations in establishing effective controls over international traffic in such substances.

(2) The United States has joined with other countries in executing an international treaty, entitled the Convention on Psychotropic Substances and signed in Vienna, Austria, on February 21, 1971, which is designed to establish suitable controls over the manufacture, distribution, transfer, and use of certain psychotropic substances. The Convention is not self-executing, and the obligations of the United States thereunder may only be performed pursuant to appropriate legislation. It is the intent of the Congress that the amendments made by this Act, together with existing law, will enable the United States to meet all of its obligations under the Convention and that no further legislation will be necessary for that purpose.

(3) In implementing the Convention on Psychotropic Substances, the Congress intends that, consistent with the obligations of the United States under the Convention, control of psychotropic substances in the United States should be accomplished within the framework of the procedures and criteria for classification of substances provided in the Comprehensive Drug Abuse Prevention and Control Act of 1970. This will insure that (A) the availability of psychotropic substances to manufacturers, distributors, dispensers, and researchers for useful and legitimate medical and scientific purposes will not be unduly restricted; (B) nothing in the Convention will interfere with bona fide research activities; and (C) nothing in the Convention will interfere with ethical medical practice in this country as determined by the Secretary of Health, Education, and Welfare on the basis of a consensus of the views of the American medical and scientific community.

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* All other provisions were codified as part of the Controlled Substance Act.

C. SIGNATORIES TO MULTILATERAL TREATIES

(Excerpt from *Treaties In Force: A List of Treaties and Other International Agreements of the United States In Force on January 1, 1985*; U.S. Department of State)

ABBREVIATIONS

Bevans	Treaties and Other International Agreements of the United States of America, 1776–1949, compiled under the direction of Charles I. Bevans.
CFR	Code of Federal Regulations.
EAS	Executive Agreement Series.
F.R	Federal Register.
LNTS	League of Nations Treaty Series.
I Malloy, II Malloy	Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers 1776–1909, compiled under the direction of the United States Senate by William M. Malloy.
Stat	United States Statutes at Large.
TIAS	Treaties and Other International Acts Series.
TS	Treaty Series.
UNTS	United Nations Treaty Series.
U.S.C	United States Code.
UST	United States Treaties and Other International Agreements.

NARCOTIC DRUGS

For parties to the following agreements, see chart.

Convention relating to the suppression of the abuse of opium and other drugs.[1] [2] Signed at The Hague January 23, 1912; entered into force February 11, 1915.
38 Stat. 1912; TS 612; 1 Bevans 855; 8 LNTS 187.

NOTES:
[1] Replaced by convention of March 30, 1961 (TIAS 6298), as between contracting parties to the later convention.
[2] Applicable to all territories except as otherwise indicated.

Convention for limiting the manufacture and regulating the distribution of narcotic drugs, with protocol of signature.[1] [2] Done at Geneva July 13, 1931; entered into force July 9, 1933.
48 Stat. 1543; TS 863; 3 Bevans 1; 139 LNTS 301.

NOTES:
[1] Replaced by convention of March 30, 1961 (TIAS 6298), as between contracting parties to the later convention.
[2] Applicable to all territories except as otherwise indicated.

Protocol amending the agreements, conventions, and protocols on narcotic drugs concluded at The Hague on January 23, 1912, at Geneva on February 11, 1925, and February 19, 1925, and July 13, 1931, at Bangkok on November 27, 1931, and at Geneva June 26, 1936, with annex.[1] Done at Lake Success, New York, December 11, 1946; protocol entered into force December 11, 1946; for the United States August 12, 1947; Annex entered into force for the United States November 21, 1947.
61 Stat. 2230; 62 Stat. 1796; TIAS 1671, 1859; 4 Bevans 267; 12 UNTS 179.

NOTES:
[1] Replaced by convention of March 30, 1961 (TIAS 6298), as between contracting parties to the later convention.

Protocol bringing under international control drugs outside the scope of the convention of July 13, 1931 (TS 863), for limiting the manufacture and regulating the distribution of narcotic drugs, as amended by the protocol signed on December 11, 1946 (TIAS 1671).[1] Done at Paris November 19, 1948; entered into force December 1, 1949; for the United States September 11, 1950.
2 UST 1629; TIAS 2308; 44 UNTS 277.

NOTES:
[1] Replaced by convention of March 30, 1961 (TIAS 6298), as between contracting parties to the later convention.

Protocol for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium.[1] [2] Done at New York June 23, 1953; entered into force March 8, 1963.
14 UST 10; TIAS 5273; 456 UNTS 3.

NOTES:
[1] Replaced by convention of March 30, 1961 (TIAS 6298), as between contracting parties to the later convention.
[2] Applicable to all territories except as otherwise indicated.

Single convention on narcotic drugs, 1961.[1] Done at New York March 30, 1961; entered into force December 13, 1964; for the United States June 24, 1967.
18 UST 1407; TIAS 6298; 520 UNTS 204.

NOTES:
[1] Applicable to all territories except as otherwise indicated.

Amendments and additions to the schedules by notifications dated:
December 7, 1967 (18 UST 3279; TIAS 6423).
February 19, 1968 (19 UST 4668; TIAS 6458).
November 18, 1969 (20 UST 4064; TIAS 6795).
November 17, 1971 (22 UST 1808; TIAS 7223).
April 19, 1973 (25 UST 2772; TIAS 7945).
March 22, 1974 (25 UST 651; TIAS 7817).

Protocol amending the single convention on narcotic drugs, 1961. Done at Geneva March 25, 1972; entered into force August 8, 1975.
26 UST 1439; TIAS 8118.

TREATIES IN FORCE

States which are parties:	1912	1931	1948	1953	1961	1972
Afghanistan	X	X	X		X	
Albania	X	X	X			
Algeria		X			X[1,2]	
Antigua & Barbuda	X[3]	X[3]	X[3]		X[3]	X[3]
Argentina	X	X	[2]	X	X[1,2]	X[2]
Australia	X	X[4]	X[5]	X[4]	X[5]	X
Austria	X	X	X		X[2]	X
Bahamas, The	X	X	X		X	X
Bangladesh					X[1]	X
Barbados	X[3]	X[3]	X[3]		X	X
Belgium	X	X	X	X	X	X
Belize	X[3]	X[3]	X[3]		X[3]	X[3]
Benin		X			X	X
Bolivia	X				X	X
Botswana	X	X	X		X	X
Brazil	X	X	X	X	X	X[1,2]
Brunei	X[3]	X[3]	X[3]		X[3]	X[3]
Bulgaria	X	X			X[1]	
Burkina		X	X		X	
Burma	X[3]		X		X[1]	
Byelorussian S.S.R.	X		X		X[1]	
Cameroon	X	X	X	X	X	X
Canada	X	X	X	X	X	X[1]
Central African Rep.	X	X	X	X		
Chad					X	
Chile	X	X	X	X	X	X
China (Taiwan)	X[6]	X[6]	X[6]	X[7]	X[7]	
Colombia	X	X			X	X
Congo	X	X	X	X		
Costa Rica	X	X		X	X	X
Cuba	X	X	X	X	X	
Cyprus	X	X[3]	X[3]		X	X
Czechoslovakia	X	X	X	X	X[1]	
Denmark	X	X	X[8]	X	X	X
Dominica	X[3]	X[3]	X[3]		X[3]	X[3]
Dominican Rep.	X	X	X	X	X	
Ecuador	X	X	X	X	X	X
Egypt	X	X	X	X	X	X
El Salvador	X	X[2]	X	X		
Estonia	X	X				
Ethiopia	X	X	X		X	
Fiji	X	X	X		X	X
Finland	X	X	X		X	X
France	X[1,9]	X[1,9]	X[9,10]	X[5]	X[1,5]	X[5]
Gabon					X	X
Gambia, The	X[3]	X[3]	X[3]		X[3]	
German Dem. Rep.	X[2]	X			X[1,2]	
Germany, Fed. Rep.	X	X	X[11]	X[11]	X[11]	X[11]
Ghana	X	X	X		X	
Greece	X	X	X	X	X	
Grenada	X[3]	X[3]	X[3]		X[3]	
Guatemala	X	X		X	X	X
Guinea		X			X	
Guyana	X[3]	X[3]	X[3]		X[3]	
Haiti	X	X			X	X
Holy See					X	X
Honduras	X	X			X	X
Hungary	X	X	X		X[1]	
Iceland	X				X	X
India	X	X	X	X[1]	X[1,12]	X[1]
Indonesia	X	X	X	X	X[1]	X
Iran	X[1]	X		X[2]	X	
Iraq	X	X	X		X	X
Ireland	X	X	X		X	X
Israel	X	X	X	X	X	X[2]
Italy	X	X	X	X	X	X
Ivory Coast	X	X	X	X	X	X
Jamaica	X	X	X		X	
Japan	X	X[2]	X	X	X	X
Jordan	X	X	X	X	X	X
Kampuchea	X[13]	X[13]		X[1]		
Kenya					X	X
Kiribati	X[3]	X[3]	X[3]		X[3]	X[3]
Korea				X	X	X
Kuwait					X	X
Laos	X[13]	X[13]	X[13]		X	

TREATIES IN FORCE--Continued

States which are parties:	1912	1931	1948	1953	1961	1972
Latvia	X	X				
Lebanon	X	X	X		X	
Lesotho	X	X	X		X	X
Liberia	X					
Libya					X	X
Liechtenstein	X	X	X	X	X[2]	
Lithuania		X				
Luxembourg	X	X	X	X	X	X
Madagascar	X[3]	X[3]	X[3]	X	X	X
Malawi	X	X	X		X	X
Malaysia	X	X	X		X	X
Mali					X	
Malta	X	X[3]	X[3]			
Mauritius	X	X	X		X	
Mexico	X	X[1]	X		X	X[1]
Monaco	X	X	X	X	X	X
Morocco		X	X		X	
Nauru		X[3]	X[3]	X[3]	X[3]	
Netherlands	X	X[14]	X[15]		X[15]	
New Zealand	X	X	X[3]		X[16]	
Nicaragua	X	X	X	X	X	
Niger	X	X	X	X	X	X
Nigeria	X	X	X		X	X
Norway	X	X	X		X	X
Pakistan	X[3]	X[3]	X	X[1]	X[1]	
Panama	X	X		X	X	X[1]
Papua New Guinea	X	X	X	X	X[1]	X
Paraguay	X	X			X	X
Peru	X	X			X	X[1]
Philippines	X	X	X	X	X	X
Poland	X	X	X		X[1]	
Portugal	X	X[1]			X	X
Romania	X	X			X[1]	X[1]
Rwanda	X	X	X	X	X	X
St. Christopher & Nevis	X[3]	X[3]	X[3]		X[3]	X[3]
St. Lucia	X[3]	X[3]	X[3]		X[3]	X[3]
St. Vincent & the Grenadines	X[3]	X[3]	X[3]		X[3]	X[3]
San Marino		X				
Saudi Arabia	X	X	X		X[1]	
Senegal	X	X	X	X	X	X
Seychelles	X[3]	X[3]	X[3]		X[3]	
Sierra Leone	X	X	X			
Singapore	X[3]	X[3]	X[3]		X	X
Solomon Is.	X[3]	X[3]	X[3]		X	
South Africa	X	X	X[17]	X[17]	X	X
Spain	X	X	X	X	X	X
Sri Lanka	X	X	X	X	X[2]	X
Sudan		X			X	
Suriname		X[3]	X[3]		X[3]	
Swaziland	X[3]	X[3]			X[3]	
Sweden	X[2]	X	X	X	X	X
Switzerland	X[2]	X	X	X	X[2]	
Syrian Arab Rep.	X	X		X	X	X
Tanzania		X	X			
Thailand	X[1]	X[1]			X	X
Togo		X	X		X	X
Tonga		X[3]	X		X	X
Trinidad & Tobago	X	X	X		X	X
Tunisia					X	X
Turkey	X	X	X	X	X	
Tuvalu	X[3]	X[3]	X[3]		X[3]	X[3]
Uganda		X	X			
Ukrainian S.S.R.	X		X		X[1]	
U.S.S.R.	X	X	X		X[1]	
United Kingdom	X[1,9,10]	X[9,10]	X[10]		X[20]	X[21]
United States	X	X[1,2]	X[3]	X	X[3]	X
Uruguay	X	X			X	X
Venezuela	X	X			X	
Viet-Nam	X[13,22]	X[13,22]	X[13,22]	X[22]	X[22]	
Western Samoa			X[3]	X[3]		
Yemen (Aden)		X[3]	X[3]		X[3]	
Yugoslavia	X	X	X		X	X[1]
Zaire	X	X	X	X	X	X
Zambia	X	X	X		X	
Zimbabwe	X[3]	X[3]	X[3]		X[3]	

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NARCOTIC DRUGS (Cont'd)

NOTES to Narcotics Chart:

[1] With reservation(s).

[2] With statement(s).

[3] See under country heading in the bilateral section for information concerning acceptance of treaty obligations.

[4] Applicable to Norfolk Is.

[5] Applicable to all territories.

[6] Pre 1949 agreements applicable only to Taiwan.

[7] See note under CHINA (Taiwan) in bilateral section.

[8] Applicable to Greenland.

[9] Applicable to New Hebrides; continued application to Vanuatu not yet determined.

[10] Applicable to Overseas Departments and Territories.

[11] Applicable to Land Berlin.

[12] Applicable to Sikkim.

[13] Joint notification with France of transfer of duties and obligations under the convention.

[14] Applicable to Curaçao.

[15] Applicable to Netherlands Antilles.

[16] Applicable to Cook Is. (including Niue) and the Tokelau Is.

[17] Applicable to Namibia.

[18] Applicable to Bermuda, Falkland Is. and dependencies, Gibraltar, Hong Kong, St. Helena, Leeward Is. (Montserrat).

[19] Applicable to territories in note 18; also extended to British Virgin Is.

[20] Applicable to territories in notes 18 and 19; also extended to Anguilla, Cayman Is. and Turks and Caicos Is.

[21] Applicable to territories in notes 18—20; also extended to the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man.

[22] See Vietnam footnote under AUTOMOTIVE TRAFFIC: convention of September 19, 1949 (3 UST 3008; TIAS 2487; 125 UNTS 22).

Convention on psychotropic substances. Done at Vienna February 21, 1971; entered into force August 16, 1976; for the United States July 15, 1980.
32 UST 543; TIAS 9725.
States which are parties:

Algeria
Argentina[1]
Australia
Barbados
Benin
Botswana*
Brazil[1]
Bulgaria[1]
Byelorussian Soviet Socialist Rep.[1]
Cameroon
Chile
Colombia
Costa Rica
Cuba[1]
Cyprus
Denmark
Dominican Rep.
Ecuador
Egypt[1]
Ethiopia
Finland
France[1] [2]
Gabon
German Dem. Rep.[1]
Germany, Fed. Rep.[1] [3]
Greece
Grenada
Guatemala
Guyana
Hungary[1]
Iceland
India[1]
Iraq[1]
Italy
Ivory Coast
Jordan
Korea, Rep.
Kuwait
Lesotho
Libya[1]
Madagascar
Malawi
Mauritius
Mexico[1]
Monaco
Morocco
Nicaragua
Nigeria
Norway
Pakistan
Panama
Papua New Guinea[1]
Paraguay
Peru[1]
Philippines
Poland[1]
Portugal
Rwanda
Saudi Arabia
Senegal
South Africa[1]
Spain
Sweden
Syrian Arab Rep.
Thailand
Togo
Tonga
Trinidad & Tobago
Tunisia[1]
Turkey[1]
Ukrainian Soviet Socialist Rep.[1]
Union of Soviet Socialist Reps.[1]
United States[1]
Uruguay
Vatican City
Venezuela
Yugoslavia[1]
Zaire

NOTES:

* Enters into force March 27, 1985.

[1] With reservation(s).

[2] Applicable throughout the territory of the French Republic (European and overseas departments and territories).

[3] Applicable to Berlin (West).

D. U.S. BILATERAL NARCOTIC AGREEMENTS

(Excerpt from *Treaties In Force: A List of Treaties and Other International Agreements of the United States In Force on January 1, 1985*; U.S. Department of State)

ABBREVIATIONS

Bevans	Treaties and Other International Agreements of the United States of America, 1776-1949, compiled under the direction of Charles I. Bevans.
CFR	Code of Federal Regulations.
EAS	Executive Agreement Series.
F.R	Federal Register.
LNTS	League of Nations Treaty Series.
I Malloy, II Malloy	Treaties, Conventions, International Acts, Protocols, and Agreements Between the United States of America and Other Powers 1776-1909, compiled under the direction of the United States Senate by William M. Malloy.
Stat	United States Statutes at Large.
TIAS	Treaties and Other International Acts Series.
TS	Treaty Series.
UNTS	United Nations Treaty Series.
U.S.C	United States Code.
UST	United States Treaties and Other International Agreements.

International Drug Agreements of U.S. as of 1/1/85

Bilateral Agreements

Country	
Afganistan	Agreement concerning the prohibition of opium poppy cultivation in the project area of the integrated wheat development area of the Central Helmand drainage project (phase II). Signed at Kabul August 29, 1977; entered into force August 29, 1977. 29 UST 2479; TIAS 8951. Agreement concerning the prohibition of opium poppy cultivation in the project area of the integrated wheat development project. Signed at Kabul September 29, 1977; entered into force September 29, 1977. 29 UST 2479; TIAS 8950.
Argentina	Memorandum of understanding on cooperation in the narcotics field. Signed at Buenos Aires September 15, 1972; entered into force September 15, 1972. 23 UST 2620; TIAS 7450; 852 UNTS 97.
Austria	Arrangement for the direct exchange of information regarding the traffic in narcotic drugs. Exchange of notes at Vienna April 10 and July 24, 1931; entered into force July 24, 1931. 8 Bevans 373.
Belgium	Arrangement for the direct exchange of information regarding the traffic in narcotic drugs. Exchange of notes at Brussels February 6 and June 13, 1928; entered into force June 13, 1928. 8 Bevans 545.
Belize	Agreement for the control of the illicit production and traffic of drugs, with annex. Signed at Belmopan April 6, 1983; entered into force April 6, 1983. TIAS 10686. Amendments: August 11, 1983 (TIAS 10686). September 15,1983 (TIAS 10686). September 28, 1983 (TIAS 10686). March 30, 1984.
Brazil	Agreement on cooperation in the field of control of illicit traffic of drugs, with annex. Exchange of notes at Brasilia July 19, 1983; entered into force July 19,1983. TIAS 10756. Extension: October 4 and December 3, 1984.
Burma	Agreement relating to the provision of helicopters and related assistance by the United States to help Burma in suppressing illegal narcotic production and traffic. Exchange of notes at Rangoon June 29, 1974; entered into force June 29,1974. 25 UST 1518; TIAS 7887.

Narcotic Drugs--Bilateral Agreements (continued)

Colombia	Agreement relating to cooperation to curb the illegal traffic in narcotics. Exchange of notes at Bogota July 21 and August 6, 1980; entered into force August 6, 1980. 32 UST 2301; TIAS 9838.
Costa Rica	Agreement relating to the provision of assistance to curb the production and traffic in illegal narcotics. Exchange of notes at San Jose May 29 and June 2, 1975; entered into force June 2, 1975. 26 UST 3868; TIAS 8220.
	Agreement relating to the provision of additional assistance to support cooperative efforts to curb illegal narcotics production and traffic. Exchange of notes at San Jose June 21 and 24, 1976; entered into force June 24, 1976. 28 UST 2924; TIAS 8574.
Cuba	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Habana February 12 and March 7, 1930; entered into force March 7, 1930. 6 Bevans 1157.
	Convention between the United States of America and the Republic of Cuba for the suppression of smuggling operations between their respective territories. Signed at Habana March 11, 1926; entered into force June 28, 1926. 44 Stat. 2402; TS 739; 6 Bevans 1144; 61 LNTS 383.
Czechoslovakia	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Prague February 9 and June 15, 1928; entered into force June 15, 1928. 6 Bevans 1263.
Denmark	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Copenhagen February 3 and April 23, 1928; entered into force April 23, 1928. 7 Bevans 78.
Ecuador	Agreement concerning cooperation in the control of the illicit traffic in narcotics drugs. Exchange of notes at Quito November 5 and 20, 1971; entered into force November 10, 1971. 22 UST 2109; TIAS 7255.
Egypt	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Alexandria June 29, 1930 and Cairo August 26, 1930; entered into force August 26, 1930. 11 Bevans 1331.

Narcotic Drugs--Bilateral Agreements (continued)

France	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Paris December 27, 1927, and January 30, 1928; entered into force January 30, 1928. 7 Bevans 966. Agreement for the co-ordination of preventative and repressive action against the illicit narcotic and dangerous drug traffic. Signed at Paris February 26, 1971; entered into force February 26, 1971. 28 UST 8045; TIAS 8739. Extension and amendment: September 11, 1974 (28 UST 8056; TIAS 8739). January 28,1981 (TIAS 10538).
Germany (Fed. Rep.)	Arrangement concerning the exchange of information relating to the illicit traffic in narcotics. 1/ Exchange of notes at Washington January 17 and August 24, 1955, and March 7, 1956; entered into force March 7, 1956. 7 UST 371; TIAS 3514; 271 UNTS 361. Agreement concerning cooperation in the field of control of drug and narcotics abuse. 1/ Exchange of notes at Bonn and Bonn-Bad Godesberg June 9, 1978; entered into force June 9, 1978. 30 UST 4434; TIAS 9467. Notes: 1/ Applicable to Land Berlin except for paragraph 3,4 of the 1978 agreement (TIAS 9467).
Greece	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Athens February 7 and October 15, 1928; entered into force October 15, 1928. 8 Bevans 331.
Haiti	Agreement for the interdiction of narcotics trafficking. Signed at Port-au-Prince August 22, 1984; effective October 1, 1983. TIAS
Indonesia	Understandings concerning the assignment of a Drug Enforcement Administration representative to the American Embassy in Jakarta to advance the U.S.-Indonesian common interest in preventing illegal traffic in narcotic drugs, with annex. Exchange of letters at Jakarta April 1, 1975; entered into force April 1, 1975. 27 UST 2001; TIAS 8299.
Italy	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Rome January 5 and April 27, 1928; entered into force April 27, 1928. 9 Bevans 156.

Narcotic Drugs--Bilateral Agreements (continued)

Jamaica	Agreement relating to the provision of helicopters and related assistance to Jamaica in connection with a program to interdict the illicit narcotics traffic between Jamaica and the United States. (Operation Buccaneer). Exchange of notes at Kingston August 9 and 21 and September 23, 1974; entered into force September 23, 1974. 25 UST 3068; TIAS 7966.
Japan	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Tokyo February 16 and July 6, 1928; entered onto force July 6, 1928. 9 Bevans 452.
	Arrangement for the exchange of information relating to the seizure of illicit narcotic drugs and to persons engaged in the illicit traffic. Exchange of notes at Toyko April 23 and September 6, 1929; entered into force September 6, 1929. 9 Bevans 455.
Lebanon	Grant agreement for a cooperative program to curtail illicit traffic in narcotics and dangerous drugs. Signed at Beirut June 29, 1973; entered into force June 29, 1973. 24 UST 1672; TIAS 7673.
Malaysia	Agreement relating to a cooperative program to combat the spread of heroin addiction and other forms of drug abuse in Malaysia. Exchange of notes at Kuala Lumpur November 16 and December 8, 1978. 30 UST 7183; TIAS 9577.
	Amendment: April 9 and May 18, 1979 (30 UST 7192; TIAS 9577).
	Memorandum of understanding relating to cooperation in combatting illicit international traffic in narcotics and other dangerous drugs. Signed at Washington September 19, 1979; entered into force September 19, 1979. 30 UST 6180; TIAS 9543.
Mexico	See Attachment, following page.
Paraguay	Agreement on the control of the unlawful use of and illicit trafficking in narcotics and other dangerous drugs. Signed at Asunsion October 26, 1972; entered into force provisionally October 26, 1972; definitively January 11, 1973. 24 UST 1008; TIAS 7613.
Poland	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Warsaw August 17 and September 17, 1931; entered into force September 17, 1931. 11 Bevans 257.

MEXICO

Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Mexico August 5 and October 2, 1930; entered into force October 2, 1930.
9 Bevans 967.

Agreement concerning a grant to Mexico of reference books in the field of narcotics abuse. Exchange of letters at Mexico June 26 and 27, 1973; entered into force June 27, 1973.
24 UST 1805; TIAS 7694.

Agreement relating to the provision by the United States of communications equipment to combat contraband and especially the illegal flow of narcotics across the border. Exchange of notes at Mexico and Tlatelolco August 31, 1973; entered into force August 31, 1973.
24 UST 1978; TIAS 7709.

Agreement relating to the provision by the United States of technical assistance in an epidemiological study of drug abuse in Mexico. Exchange of notes at Mexico October 26 and November 7, 1973; entered into force November 7, 1973.
24 UST 2245; TIAS 7742.

Agreement concerning the provision of four helicopters and related assistance by the United States to help Mexico in curbing traffic in illegal narcotics. Exchange of letters at Mexico December 3, 1973; entered into force December 3, 1973.
25 UST 1694; TIAS 7906.

Amendments:
December 21, 1973 (25 UST 1698; TIAS 7906).
June 24, 1974 (25 UST 1700; TIAS 7906).

Agreement providing additional helicopters and related assistance to Mexico in support of its efforts to curb production and traffic in illegal narcotics. Exchange of letters at Mexico February 1, 1974; entered into force February 1, 1974.
25 UST 1704; TIAS 7907.

Amendments:
June 24, 1974 (25 UST 1708; TIAS 7907).
December 4, 1974 (25 UST 3172; TIAS 7983).

Agreement relating to the provision of support by the United States for a multispectral aerial photographic system capable of detecting opium poppy cultivation, with annexes. Exchange of letters at Mexico June 10 and 24, 1974; entered into force June 24, 1974.
25 UST 1286; TIAS 7865.

Amendment:
September 19, 1974 (25 UST 2963; TIAS 7956).

Agreement providing additional helicopters and related assistance to Mexico in support of its efforts to curb illegal production and traffic in narcotics. Exchange of letters at Mexico November 1, 1974; entered into force November 1, 1974.
25 UST 2956; TIAS 7955.

Agreement relating to a training program for Mexican helicopter pilots and mechanics as part of U.S.-Mexican cooperative efforts to reduce traffic in illegal narcotics. Exchange of letters at Mexico September 30, 1974; entered into force September 30, 1974.
25 UST 3166; TIAS 7982.

Agreement relating to the provision of assistance to Mexico in narcotics enforcement training activities. Exchange of letters at Mexico December 4, 1974; entered into force December 4, 1974.
25 UST 3176; TIAS 7984.

Agreement relating to cooperative arrangements to support Mexican efforts to curb the illegal traffic in narcotics. Exchange of letters at Mexico December 11, 1974; entered into force December 11, 1974.
26 UST 1274; TIAS 8108.

Amendments:
February 24, 1975 (26 UST 1285; TIAS 8108).
March 20, 1975 (26 UST 1289; TIAS 8108).
May 18, 1976 (27 UST 1977; TIAS 8295).

Agreement concerning the provision by the United States of four mobile interdiction systems for use in curbing the illicit flow of narcotic substances through Mexico. Exchange of letters at Mexico February 24, 1975; entered into force February 24, 1975.
26 UST 414; TIAS 8041.

Agreement relating to the provision of equipment and training by the United States to support U.S.-Mexican efforts to curb illegal narcotics traffic. Exchange of letters at Mexico May 29, 1975; entered into force May 29, 1975.
26 UST 1633; TIAS 8123.

Agreement relating to the provision of equipment and training by the United States to support U.S.-Mexican efforts to curb illegal narcotics traffic. Exchange of letters at Mexico June 25, 1975; entered into force June 25, 1975.
26 UST 1659; TIAS 8125.

MEXICO--Continued

Agreement to indemnify and safeguard the United States Government, its personnel and contractors for liability arising out of aircraft operations training in support of the cooperative program to curb illegal narcotics traffic. Exchange of letters at Mexico September 12, 1975; entered into force September 12, 1975.
27 UST 1985; TIAS 8296.

Amendment:
August 13, 1976 (28 UST 8241; TIAS 8758).

Agreement relating to the provision of two helicopters by the United States to support U.S.–Mexican efforts to curb the production and traffic in illegal narcotics. Exchange of letters at Mexico October 24 and 29, 1975; entered into force October 29, 1975.
27 UST 1996; TIAS 8298.

Agreement relating to the provision of aircraft by the United States to support U.S.–Mexican efforts to curb the illegal production and traffic in narcotics. Exchange of letters at Mexico January 29, 1976; entered into force January 29, 1976.
27 UST 4261; TIAS 8449.

Agreement relating to the provision of supplies, equipment, and services by the United States to support U.S.–Mexican efforts to curb the illegal production and traffic in narcotics. Exchange of letters at Mexico February 4, 1976; entered into force February 4, 1976.
27 UST 1973; TIAS 8294.

Amendment:
May 18, 1976 (27 UST 1977; TIAS 8295).

Agreement relating to additional cooperative arrangements to curb illegal traffic in narcotics. Exchange of letters at Mexico June 30, 1976; entered into force June 30, 1976.
27 UST 1990; TIAS 8297.

Agreement relating to the provision of additional equipment, material and technical support by the United States to curb illegal traffic in narcotics. Exchange of letters at Mexico August 9, 1976; entered into force August 9, 1976.
27 UST 3937; TIAS 8411.

Agreement relating to the provision of additional assistance by the United States to curb illegal traffic in narcotics and amending the agreements of August 9, 1976 and May 18, 1976. Exchange of letters at Mexico September 30, 1976; entered into force September 30, 1976.
27 UST 4306; TIAS 8451.

Agreement relating to additional cooperative arrangements to curb the illegal production and traffic in narcotics. Exchange of letters at Mexico November 22, 1976; entered into force November 22, 1976.
28 UST 8157; TIAS 8750.

Agreement relating to additional cooperative arrangments to curb the illegal production and traffic in narcotics. Exchange of letters at Mexico February 16, 1977, entered into force February 16, 1977.
29 UST 5334; TIAS 9113.

Extension and amendments:
July 28, 1977 (29 UST 5334; TIAS 9113).
December 19, 1977 (29 UST 5347; TIAS 9114).
January 3, 1978 (29 UST 5352; TIAS 9115).

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico March 8, 1977; entered into force March 8, 1977.
29 UST 268; TIAS 8810.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico May 27, 1977; entered into force May 27, 1977.
29 UST 1469; TIAS 8888.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics, with annexes. Exchange of notes at Mexico June 2, 1977; entered into force June 2, 1977.
29 UST 2483; TIAS 8952.

Amendments:
September 28, 1977 (29 UST 2496; TIAS 8952).
July 20 and 26, 1978 (30 UST 1285; TIAS 9251).
August 24, 1978 (30 UST 1289; TIAS 9251).
January 15, 1979 (30 UST 1294; TIAS 9251).
September 27 and 28, 1979 (31 UST 4760; TIAS 9637).
December 5, 1979 (31 UST 5913; TIAS 9695).
April 11, 1980 (32 UST 992; TIAS 9749).
November 5, 1980 (TIAS 9933).
January 2, 1981 (TIAS 9963).
August 19, 1981 (TIAS 10249).
October 14, 1981 (TIAS 10285).
December 4, 1981 (TIAS 10310).
January 6 and 8, 1982 (TIAS 10336).
March 15 and 17, 1982 (TIAS 10360).
August 6, 1982 (TIAS 10430).
November 8, 1982 (TIAS 10582).
February 9, 1983 (TIAS 10657).
May 12 and 27, 1983 (TIAS 10657).
November 10, 1983.
January 4, 1984.
May 17, 1984.
May 29, 1984.
September 25 and October 10, 1984.
October 29, 1984.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico July 29, 1977; entered into force July 29, 1977.
29 UST 1509; TIAS 8895.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico August 5, 1977; entered into force August 5, 1977.
29 UST 2500; TIAS 8953.

Amendment:
September 29, 1977 (29 UST 2505; TIAS 8953).

MEXICO--Continued

Agreement relating to computerization of information in support of programs against illegal narcotics production and traffic. Exchange of letters at Mexico September 6, 1977, entered into force September 6, 1977.
29 UST 2551. TIAS 8955.

Agreement relating to the development of telecommunications capability to support the narcotics control effort. Exchange of letters at Mexico September 7, 1977; entered into force September 7, 1977.
29 UST 1994. TIAS 8915.

Agreement concerning training for helicopter pilots as part of the cooperative effort to reduce illegal narcotics traffic. Exchange of letters at Mexico April 3, 1978, entered into force April 3, 1978.
30 UST 1007. TIAS 9234.

Agreement relating to additional cooperative arrangements to curb the illegal production and traffic in narcotics. Exchange of letters at Mexico May 15, 1978, entered into force May 15, 1978.
TIAS 9250.

Amendments:
January 5, 1979 (30 UST 1276, TIAS 9250).
February 7, 1979 (30 UST 1280; TIAS 9250).
July 23, 1979 (TIAS 9544).

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico May 16, 1978, entered into force May 16, 1978.
TIAS 9252.

Amendments:
January 8, 1979 (30 UST 1305; TIAS 9252).
July 24, 1979 (TIAS 9546).

Agreement concerning an illicit crop detection system to be used in curbing the illegal traffic in narcotics. Exchange of letters at Mexico May 22, 1978, entered into force May 22, 1978.
30 UST 1237; TIAS 9248.

Amendments:
September 26, 1978 (30 UST 1247, TIAS 9248).
January 12, 1979 (30 UST 1251; TIAS 9248).
December 6, 1979 (31 UST 5904; TIAS 9693).
January 27, 1981 (TIAS 10082).

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico May 23, 1978; entered into force May 23, 1978.
30 UST 1255. TIAS 9249.

Amendments:
July 11 and 13, 1978 (30 UST 1262; TIAS 9249).
January 11, 1979 (30 UST 1266, TIAS 9249).

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico May 24, 1978; entered into force May 24, 1978.
30 UST 1488. TIAS 9258.

Amendments:
January 9, 1979 (TIAS 9258).
April 20, 1979 (TIAS 9258).

Agreement relating to the provision and utilization of aircraft to curb the illegal traffic in narcotics. Exchange of letters at Mexico August 23, 1978, entered into force August 23, 1978.
30 UST 1319; TIAS 9254.

Amendment:
July 26, 1979 (TIAS 9545).

Agreement relating to computerization of information in support of programs against illegal narcotics production and traffic. Exchange of letters at Mexico August 25, 1978; entered into force August 25, 1978.
30 UST 1309; TIAS 9253.

Amendment:
January 10, 1979 (30 UST 1315, TIAS 9253).

Agreement concerning the provision of additional technical assistance to curb the illegal traffic in narcotics. Exchange of letters at Mexico September 28, 1978; entered into force September 28, 1978.
30 UST 1729; TIAS 9282.

Agreement relating to salary supplements to personnel dedicated to opium poppy eradication and narcotics interdiction. Exchange of letters at Mexico December 3, 1979; entered into force December 3, 1979.
31 UST 5918; TIAS 9696.

Amendments:
April 25, 1980 (32 UST 1324; TIAS 9772).
October 10, 1980 (TIAS 9884).
December 29, 1981 (TIAS 10329).

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico April 7, 1980; entered into force April 7, 1980.
32 UST 997. TIAS 9750.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico July 25, 1980; entered into force July 25, 1980.
32 UST 2105; TIAS 9822.

Amendments:
December 2, 1980 (TIAS 10106).
March 31, 1981 (TIAS 10129).
April 2, 1982 (TIAS 10519).

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico January 3, 1981; entered into force January 3, 1981.
TIAS 10064.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico April 8, 1981, entered into force April 8, 1981.
TIAS 10142.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico March 29, 1983, entered into force March 29, 1983.
TIAS 10675.

Agreement relating to additional cooperative arrangements to curb the illegal traffic in narcotics. Exchange of letters at Mexico November 5, 1984; entered into force November 5, 1984.
TIAS

Narcotic Drugs--Bilateral Agreements (continued)

Portugal	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Lisbon February 11, 1928, and February 22, 1929; entered into force February 22, 1929. 11 Bevans 341.
Romania	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Bucharest February 4, 1928, and April 17, 1929; entered into force April 17, 1929. 11 Bevans 414.
Spain	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Madrid February 3, March 10, and May 24, 1928; entered into force May 24, 1928. 11 Bevans 684.
Switzerland	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Bern November 15 and 16, 1929; entered into force November 16, 1929. 11 Bevans 917.
Thailand	Memorandum of understanding on cooperation in the narcotics field. Signed at Washington September 28, 1971; entered into force September 28, 1971. 22 UST 1587; TIAS 7185; 807 UNTS 49.
Turkey	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Constantinople and Angora February 18 and October 3, 1928; entered into force October 3, 1928. 11 Bevans 1117.
United Kingdom	Agreement concerning the Cayman Islands and narcotics activities. Exchange of letters at London July 26, 1984; entered into force August 29, 1984. TIAS
	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at London December 23, 1927, and January 4 and 11, 1928. Entered into force January 11, 1928. 12 Bevans 467.
	Agreement to facilitate the interdiction by the United States of vessels of the United Kingdom suspected of trafficking in drugs. Exchange of notes at London November 13, 1981; entered into force November 13, 1981. TIAS 10296.

Narcotic Drugs--Bilateral Agreements (continued)

Venezuela	Agreement concerning the establishment and operation of a regional office of the Drug Enforcement Administration in Caracas. Exchange of notes at Caracas August 26, 1974. Entered into force August 26, 1974. 25 UST 2440; TIAS 7925.
	Memorandum of understanding concerning cooperation in the narcotics field. Signed at Caracas March 28, 1978; entered into force March 28, 1978. 30 UST 1012; TIAS 9235.
Yugoslavia	Arrangement for the direct exchange of certain information regarding traffic in narcotic drugs. Exchange of notes at Belgrade February 17, 1928, and May 8, 1930; entered into force May 8, 1930. 12 Bevans 1259.
China (Taiwan)	Arrangement for the direct exchange of certain information regarding the traffic in narcotic drugs. Exchange of notes at Nanking March 12, June 21, July 28, and August 30, 1947; entered into force August 30,1947. 6 Bevans 797.

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IV. EXECUTIVE BRANCH DOCUMENTS

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A. Executive Order 12368: Establishment of the Drug Abuse Policy Office, June 24, 1982

B. Presidential Document: Announcement of the Formulation of the National Narcotics Border Interdiction System (NNBIS), March 23, 1983

C. Department of State, Bureau of International Narcotics Matters: International Narcotics Strategy Report, 1985 (Excerpt)

D. National Drug Enforcement Policy Board: Interim Report to Congress, March 1986; pursuant to the National Narcotics Act of 1985

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A.

EXECUTIVE ORDER 12368: ESTABLISHMENT OF THE DRUG ABUSE POLICY OFFICE, JUNE 24, 1982

Weekly Compilation of

Presidential Documents

Monday, June 28, 1982
Volume 18—Number 25
Pages 823-844

Drug Abuse Policy Functions

Executive Order 12368. June 24, 1982

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 202 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended (21 U.S.C. 1112), and in order to clarify the performance of drug abuse policy functions within the Executive Office of the President, it is hereby ordered as follows:

Section 1. The Office of Policy Development has been assigned to assist the President in the performance of the drug abuse policy functions contained in Section 201 of Title II of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, as amended (21 U.S.C. 1111). Within the Office of Policy Development, the Director of the Drug Abuse Policy Office shall be primarily responsible for assisting the President in the performance of those functions.

Sec. 2. The Director of the Drug Abuse Policy Office is designated to direct all the activities under Title II of that Act, in accord with Section 202 (21 U.S.C. 1112). In particular, he shall be primarily responsible for assisting the President in formulating policy for, and in coordinating and overseeing, international as well as domestic drug abuse functions by all Executive agencies.

Sec. 3. The Director of the Drug Abuse Policy Office shall be directly responsible for the activities of a drug policy staff within the Office of Policy Development.

Sec. 4. Executive Order No. 12133 of May 9, 1979, is revoked.

Ronald Reagan

The White House,
June 24, 1982.

[Filed with the Office of the Federal Register, 3:38 p.m., June 24, 1982]

B.

PRESIDENTIAL DOCUMENT: ANNOUNCEMENT OF THE FORMULATION OF THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM (NBIS), MARCH 23, 1983

Weekly Compilation of

Presidential Documents

Monday, January 10, 1983
Volume 19—Number 1
Pages 1-24

National Narcotics Border Interdiction System

Announcement of the Formation of the System. March 23, 1983

The President today announced the formation of the National Narcotics Border Interdiction System (NNBIS) to interdict the flow of narcotics into the United States. NNBIS will be headed by Vice President George Bush. There will be an Executive Board which will include the Secretaries of

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State, Treasury, Defense, and Transportation, the Attorney General, the Counsellor to the President, the Director of Central Intelligence, and the Director of the White House Drug Abuse Policy Office.

Designed to coordinate the work of those Federal agencies with existing responsibilities and capabilities for interdiction of seaborne, airborne, and cross-border importation of narcotics, NNBIS will complement but not replicate the duties of the regional Drug Enforcement task forces operated by the Department of Justice.

NNBIS will monitor suspected smuggling activity originating outside national borders and destined for the United States and will coordinate agencies' seizure of contraband and arrests of persons involved in illegal drug importation.

The Coordinating Board for NNBIS will be headed by Adm. Daniel J. Murphy, Chief of Staff to the Vice President, who has chaired the Working Group of the South Florida Drug Task Force, also under Vice President Bush. The Coordinating Board membership will be composed of ranking officials from the Departments of State, Defense, Treasury, Justice, Transportation, Central Intelligence Agency, and their subordinate agencies and offices.

C.

DEPARTMENT OF STATE, BUREAU OF INTERNATIONAL NARCOTICS MATTERS: INTERNATIONAL NARCOTICS STRATEGY REPORT, 1986 (EXCERPT)

INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT
Volume I
1986

to

COMMITTEE ON FOREIGN RELATIONS
COMMITTEE ON FOREIGN AFFAIRS

Prepared by

BUREAU OF INTERNATIONAL NARCOTICS MATTERS
DEPARTMENT OF STATE

February 1, 1986
Unclassified Edition

Unclassified

Embargoed for Release
6 p.m. February 21, 1986

INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT
Volume I
1986

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Prepared by

BUREAU OF INTERNATIONAL NARCOTICS MATTERS
DEPARTMENT OF STATE

February 1, 1986
Unclassified Edition

INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT

I. INTRODUCTION

The Department of State's International Narcotics Control Strategy Report has been prepared in accordance with the provisions of Sec. 481, Foreign Assistance Act, as amended by P.L. 98-164 and 99-83. As required by law, the Department of State and the Departments of Justice, Defense, Treasury, and Health and Human Services, as well as the Agency for International Development, are prepared to meet with members of the Committee on Foreign Relations and the Committee on Foreign Affairs to review worldwide illicit drug production and the policy, programs and role of the United States Government in preventing the entry of illicit narcotic and psychotropic drugs and other controlled substances into this country. This report has been prepared by the Department's Bureau of International Narcotics Matters, in consultation with other bureaus in the Department, U.S. Embassies, and the Drug Enforcement Administration as well as other offices and agencies of the U.S. Government.

This report consists of the following sections:

I. Introduction
II. Summary Assessment
  A. 1985 Program Developments
  B. 1985 Production Estimates
III. Review of the International Program
IV. 1985-86 Program Strategy & Budget
V. Country Reports

The FY 1986 Congressional Presentation of the Bureau of International Narcotics Matters (INM), which provides detail on regional and country strategies, budgets and programs has been separately submitted; thus, only a summary is provided here.

The following abbreviations are used in this report:

INM	Bureau of International Narcotics Matters
DEA	Drug Enforcement Administration
UNFDAC	United Nations Fund for Drug Abuse Control
NNBIS	National Narcotics Border Interdiction System
NNICC	National Narcotics Intelligence Consumers Committee
kg	Kilogram
mt	Metric Ton
ha	Hectare

A. POLICY AND PROGRAM DEVELOPMENTS IN 1985

1985 in Summary

In the 1985 International Narcotic Control Strategy Report, we set forth an aggressive agenda for 1985 in which we stated that our primary objectives for this twelve-month period were to expand our program base, with a priority on increasing the number of countries eradicating narcotic crops and expanding the scope of these operations wherever possible, and, to internationalize the response to the problem by encouraging greater participation by other countries and international organizations in multilateral programs.

We believe in most cases we not only met but exceeded those objectives. As we indicated in February 1985, the campaign against narcotics production and trafficking must be long-term, and we must continue to build and expand the program base to make success more likely. The record shows that 1985 was a very productive year for program expansion and internationalization, with the United States taking the offensive in an increasing number of areas. We will do even more in 1986. We cannot promise we will reduce availability in 1986, but we can show increased cooperation and progress toward that objective.

However, as this report will show, some of our programs are just beginning to take hold, and illicit narcotics cultivation today continues to exceed demand. Thus, while we met our overall program objectives for 1985, and we believe 1986 will be another year of expanded program activity and international cooperation, the drug situation in the world remains severe. Drug abuse is spreading in many producing and trafficking countries and narcotics trafficking organizations have become so powerful in some areas that they pose a security threat to certain governments. Narcotics-related violence is on the increase and 1985 saw many lives lost to the struggle, including that of DEA Special Agent Enrique Camarena. However, we have also seen more countries become actively involved in anti-narcotics efforts than ever before.

Key among the operational goals set forth at the start of 1985 were: enhancement of eradication campaigns in major source countries; enlarging the number of countries conducting eradication programs, especially aerial spraying campaigns; promoting greater bilateral and multilateral efforts by donor countries; increasing the scope, level and quality of the international community's response to the narcotics production and drug abuse problems; and, upgrading the political priority for narcotics control as a foreign policy issue.

Crop control is the highest priority of the international program. In 1981, only two of the source countries exporting illicit narcotics to the United States were eradicating. The United States is supporting eradication in 14 countries during the 1985-86 crop-cycles. These programs have had a measurable impact on marijuana production in Colombia and Jamaica, and poppy production in Burma and Thailand. In other countries, 1985 saw the establishment and/or refinement of control programs that will cut into cultivation and production in 1986. However, there was continuing disappointment with the results in Mexico and Bolivia. Production remained unacceptably high in some quarters, especially coca. At year's end, however, there was agreement with Mexico on a number of remedial actions that hold good promise for 1986, while Bolivia had at last begun a demonstration coca eradication program.

The programmatic task is ever-expanding, first to put effective control programs in place in current, major source countries, and second to counter trafficker moves to new source areas by establishing containment programs in adjacent countries. We sustain these programs, and parallel efforts at interdiction, other enforcement activities, public awareness campaigns to assure broad public support, and, where appropriate, development assistance, in close collaboration with DEA, AID, and USIA.

It is important to note that this strong expansion of the program base has occurred with the active collaboration of an increasingly larger segment of the international community. The major industrial nations of Europe intensified their participation in opium poppy control programs in Asia, and, through the United Nations, have begun participating in coca control programs in South America.

On balance, the record of 1985 is that the United States government made significant progress in its long-term advance toward the day when there will be effective programs in enough key countries to reduce availability of illicit drugs in the United States. We are not yet there: production remains high, but progress is being made. The 1985 reductions portend well for the future, and we are working in a new international atmosphere that is much more conducive to achieving our long-term goals.

This change in the international climate for narcotics control is a critical factor. The changes have been conceptual and political as well as programmatic. Drug abuse is no longer seen as exclusively an American problem. Producer and transit nations have also become consumer nations, along with the major industrial nations, and nations have begun to work in their own self-interest. This need to act in concert was underscored with welcome emphasis in 1985 by Secretary General Perez de Cuellar at the United Nations, by President Reagan and the leaders of the seven Economic Summit nations, and by Mrs. Reagan in her highly successful First Ladies Conferences. These steps have raised the political and foreign policy priorities assigned the narcotics and drug abuse issues. We cannot over-emphasize the importance of this emergence of a single community of interest.

In 1986, our program priorities include solidifying the considerable gains in Colombia, sustaining the increasingly effective expansion of programs in Thailand, Burma, Jamaica, Peru, Brazil, Ecuador, Panama, Belize and Pakistan, and intensifying our efforts to upgrade the programs in Mexico and Bolivia. The diplomatic priority will be on continuing the rapid internationalization of the global program, drawing heavily on such United Nations activities as the deliberations on a new trafficking convention and planning for the 1987 World Conference on drugs to heighten awareness and participation by donor and source nations alike.

In terms of strategy, 1984 and 1985 can be seen as the key years for expanding program base, and 1986 and 1987 as years for internationalization of that base.

Western Hemisphere

Colombia used INM-supplied aircraft to eradicate much of the marijuana cultivated in 1985. Aerial surveys confirm that the 1985 crop in the traditional northern growing areas was as much as 85 percent less than the 1983 crop. This vital eradication effort is being expanded to match traffickers' efforts to develop new sources of supply in other areas. The precedent-setting Colombia program was the capstone of efforts in several Latin American and Caribbean countries to destroy marijuana crops. Like Colombia, Panama and Belize conducted first-time aerial eradication programs, using herbicides. Jamaica initiated a long-needed manual eradication campaign to destroy both spring and fall marijuana crops. Brazil, Costa Rica and other governments also destroyed marijuana plantations.

The governments of Colombia and Peru sustained their highly labor-intensive programs to eradicate coca manually, at long last joined by Bolivia which began a manual eradication effort at year's end. The marginal gains of the manual eradication campaigns could be a thing of the past; Colombia succeeded in 1985 in identifying a chemical which appears to meet the criteria of being environmentally safe while effectively destroying the hardy coca bush. Expanded testing is proceeding with both backpack and aerial applications. The prospect is for a method that affords large-scale elimination of illicit coca cultivation. Assuming full utilization of aerial spraying capability, the maximum projection is that coca eradication could expand from 2,000 hectares in 1985 to 10,000 hectares in 1986. If successful in Colombia, there is potential application in other coca cultivation areas.

Of considerable importance to the long-term prospects in Latin America is the willingness of governments to participate in regional activities. Colombia, whose Special Anti-Narcotics Unit of the National Police serves as the model for narcotics police forces in the Hemisphere, collaborated with Ecuador on a first-time cross-border coca eradication project, and provided the tactical and logistics support for the first stage of a combined coca interdiction campaign with Peru (Operation Condor).

Critical concern was focused on Mexico in 1985, a concern intensified by evidence that this once-effective opium poppy and marijuana eradication program has become less effective, and that production levels were rising for both narcotics. The indication at year's end was that Mexico was perhaps once again the leading exporter of marijuana to the United States, and the single largest source of heroin. The diminishing of program effectiveness was in part a result of concerted efforts by traffickers to re-establish cultivation sources in Mexico, and in part because of an apparent spread of drug-related corruption which was affecting every facet of the enforcement program. Severe problems and deficiencies in the Mexican enforcement program were highlighted by evidence which surfaced in the investigation into the murder of DEA Agent Enrique Camarena. As 1986 began, Mexico was cooperating closely with the United States on a combined aerial survey and reconnaissance program, which included verification of eradication missions, and more comprehensive planning of eradication strategies.

The twin problems of corruption and inefficiency were being addressed through prosecutions and reorganizations in Mexico, as well as in Peru, Bolivia and Jamaica.

New leaders in Bolivia and Peru began their administrations in 1985 by declaring their intentions of attacking the drug production problem. Bolivia adopted new laws in May setting the necessary legal basis for a coca control program, and at year's end asserted its political will by a demonstration eradication project. Despite terrorist-type attacks on field workers in anti-narcotics programs and organized resistance by traffickers, Peru pushed forward with its coca eradication program, destroying nearly 5,000 hectares, a near-attainment of the 1985 eradication goal which earlier in the year seemed impossible. At year's end, Peruvian officials were working on a plan for coca eradication throughout its territory. Both Bolivia and Peru have many political and economic problems to overcome while simultaneously attempting to curb coca production, but Peru has evidenced its determination, and recent statements and actions give the strongest hope in recent years that Bolivia is finally moving toward a sustained eradiction program.

Jamaica's expanded eradication effort was at year's end having the desired effect of reducing the annual marijuana production level by one-third, and also interrupting distribution patterns. The positive effect of the new program has been confirmed by aerial surveys.

Efforts at containment of the problem receive a continuing high priority. Ecuador collaborated with Colombia on a joint coca eradication effort along their common border, and is intensifying both its eradication and interdiction efforts for 1986. Brazil, with U.S. assistance, initiated operations to destroy both coca and marijuana, as well as important seizure campaigns, while also expanding its efforts to interdict shipments of precursor chemicals used in cocaine refining. The United States assisted Panama in eradicating 210 hectares out of a crop of as much as 400-500 hectares last Fall, and assisted in a follow-on effort in January 1986. Aerial herbicidal spraying was resumed in Belize in October and again in February 1986.

Southeast Asia

Poppy production in Burma was held down in 1985 by the combined effects of the government's eradication program and adverse weather. The anticipation is that a downward trend can be sustained in the years ahead by a Burmese aerial eradication program which, starting in 1986, gives that government an ability to destroy poppy cultivation even in areas tactically controlled by insurgent armies. Thailand continues to promote development alternatives in poppy growing areas, but, in 1985, the government demonstrated its political will to bring illicit opium production under control by initiating eradication programs directed by the Royal Thai Army.

Southwest Asia

Pakistan continued the extension of its ban on poppy cultivation into the tribal areas of the Northwest Frontier Province, while attempting to secure effective suppression of poppy production in its merged and settled areas. An increase in estimated hectarage under cultivation in 1985 was offset by adverse weather which reduced yields. Improved data permitted a refinement of production estimates from the 40-50 MT estimate of 1984 to a new estimate of 40-70 MT for 1985, with net heroin production remaining at the 6 metric ton level. There is concern that rising prices may stimulate increased cultivation. However, the Pakistani Narcotics Control Board, which reports increased seizures, lab surrenders, and lab destructions for 1985, projects that it can reduce opium production in 1986 and 1987 through enforcement.

India is of increasing importance as a conduit for opium products from both Southwest and Southeast Asia, as well as for the shipment of precursor chemicals into the Golden Triangle.

Turkey continues to sustain one of the most successful efforts at preventing production of illicit opium poppy. Long a natural attraction for smugglers of every stripe, because it serves as the landbridge from Asia to Europe, Turkey continues to be a principal trafficking route for heroin from Southwest Asia, some of it refined in Turkish labs.

Internationalization

The United States has developed an expanded program base, but long term success depends on the outcome of efforts to internationalize the global response, an objective carefully pursued over the last two years on a step-by-step basis, and one which has our highest diplomatic priority for 1986 and 1987. We see opportunities for critical advancement in both years.

Increasingly, there is evidence that governments recognize the threats to them from narcotics production and trafficking. As INM said in its annual presentation to the Third Committee of the United Nations General Assembly, "When traffickers rule segments of countries and dominate local economies, when the rule of terror holds sway over the rule of law, when children of every continent are at risk, there can be no passive nations. We must all be active players."

The increased opportunity and potential for success at the multilateral level are functions of (a) widespread acceptance that narcotics trafficking and drug abuse adversely affect the social well-being, political and economic stability and even national security of many nations, and (b) the leadership provided by the Secretary General of the United Nations, the impetus given at the Bonn Economic Summit, the Latin American initiatives to develop regional approaches, and the willingness of more donor nations to underwrite narcotics control programs on a direct basis in which assistance is linked to narcotics performance. On the prevention side, the catalysts have included Mrs. Reagan's international program, including the First Ladies Conferences, and the public awareness and technical assistance programs of INM, USAID, and USIA.

A strong foundation from which to push forward with the internationalization agenda was laid in 1985, including an unprecedented level of diplomatic activity.

In February, the Commission on Narcotic Drugs established the framework for developing a new international convention on narcotics trafficking, an initiative sought by Venezuela and other South American governments and strongly encouraged by the United States. The convention will address such vital issues as asset forfeiture and seizure, extradition, mutual legal assistance, and money laundering. The United Nations General Assembly also set into motion the process for planning the United Nations world conference on narcotics and drug abuse, called for by the Secretary General, which will be held in June, 1987, in Vienna.

In May in Bonn, President Reagan and the other heads of state and government from the seven Economic Summit nations (Canada, Federal Republic of Germany, France, Italy, Japan, United Kingdom and United States) agreed on the need for a higher priority for narcotics control measures. This call for concerted action was followed by a meeting of narcotics experts from the seven nations, whose report was approved in September by the Summit Seven foreign ministers. This report is seen as having advanced the collective thinking of the seven governments on such pivotal issues as increasing the foreign policy priority for narcotics control, and on the linkage between economic assistance and narcotics control.

In April, and again in October, Mrs. Nancy Reagan hosted a First Ladies Conference on Drug Abuse, meetings which were designed as mother-to-mother discussions about the dimensions of the drug abuse problem in their several nations. and what prevention approaches could be taken. These conferences received praising publicity throughout the world and are widely seen as having raised public awareness of the issue in the international community.

The 1985 agenda also included the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan in August. In the previous meeting five years ago, scant attention was given to the narcotics issue. This year, the need for concerted action on narcotics control was a dominant agenda theme, and the Congress unanimously adopted a resolution which endorses the measures being undertaken by the United Nations toward the drafting of a new convention.

Finally, United States officials are keenly aware that success in the international area is dependent in part on domestic efforts to reduce demand and eliminate cultivation of domestic marijuana. Many governments under pressure to curb production and cope with their own demand reduction problems look to the United States for reassurance that we too are taking all necessary steps to solve the equation. The successful effort to mobilize national attention on our domestic drug problem has been well noted overseas; similarly, good news about domestic marijuana eradication sends a welcome message to marijuana producing countries.

B. 1985 PRODUCTION ESTIMATES

The National Narcotics Intelligence Consumers Committee has developed, through its Subcommittee on Production, preliminary estimates on illicit narcotics production in calendar year 1985 (see below). As further information is received from Embassies, host governments and the intelligence community, these data will be revised and published in the 1985 NNICC Narcotics Intelligence Estimate. Readers are cautioned that certain year-to-year changes in estimates are the function of changes in methodology and improvements in data, and may not indicate increased or decreased production. (See footnotes.)

The 1983 and 1984 data, preliminary estimates for 1985, and projections for 1986, all stated post-eradication, are:

OPIUM	1986 M.Tons	1985 M.Tons	1984 M.Tons	1983 M.Tons
Southwest Asia				
Afghanistan	320-420	300-400	140-180	400- 575
Iran	200-400	200-400	400-600	400- 600
Pakistan	35- 65	40- 70	40- 50	45- 60
Total:	555-885	540-870	580-830	845-1235
Southeast Asia				
Burma	532	424	534	500-600
Laos	50-100	100	30	35
Thailand	16- 36	36	41	35
Total:	598-668	560	605	570-670
Mexico	21- 45	21-45	21	17
Opium Total:	1174-1598	1121-1475	1206-1456	1432-1922

COCA LEAF	1986	1985	1984	1983
Bolivia	32,000	32,000	49,200	25,000-40,000
Peru	90,831	95,177	100,000	100,000
Ecuador	1,422	2,422	895	No Estimate
Colombia	3,200	10,800	11,080	11,215
Total:	127,453	140,399	161,175	136,215-151,215

MARIJUANA	1986	1985	1984	1983
Colombia	1,250	2,500- 3,000	4,100- 7,500	11,200-13,500
Mexico	2,500-3,000	2,500- 3,000	2,500- 3,000	4,975
Jamaica	550-1,205	625- 1,280	1,5[illegible]	2,460
Belize	175	645	1,1[illegible]	590
Other	500	500	500	500
Total	4,975-6,130	6,770- 8,425	9,765-13,665	19,725-22,025

HASHISH	1986	1985	1984	1983
Afghanistan		200-400	200-400	250
Lebanon		720	350-400	700
Morocco		30- 60	60-225	60
Pakistan		200	200	220
Total	No Estimate	1150-1380	810-1225	1230

Note: INCSR tables attempt to show actual production or net yield, subtracting for eradication. By contrast, most other reports estimate total cultivation and, applying a yield figure, calculate gross potential production, a figure that represents maximum theoretical production.

Note: Much of the production data in this report should be considered preliminary, some even speculative, and most should be considered as data for which attempts are being made at improvement and refinement.

Footnotes:

(1) Production estimates are stated post-eradication, but have not been discounted for loss, domestic consumption, or seizures. When these deductions are made, the net amount available for processing into narcotics for export will be lower in all countries. Several of the data reported for 1984 in the previous INCSR have been changed to reflect changes in methodology and/or the scope and quality of information.

(2) Afghanistan opium production is believed to be rebounding from the drought year of 1984. DEA believes production could have exceeded the 400 mt level in 1985.

(3) Based on improved information, U.S. analysts believe that an estimate of 200-400 mt annual opium production for Iran is more accurate than earlier figures.

(4) Refined cultivation assessments, including information on remote areas not included in previous reports, permit a refinement of opium production estimates for Pakistan from a 40-50 mt range to a 40-70 mt range for 1985. However, the projection is that heroin production stayed at the 6 mt level. The Government of Pakistan projects that production will decline at least 5 mt in 1986.

(5) Opium production in Burma in 1985 was affected by drought which reduced potential output to an estimated 490 mt, which was further reduced by eradication to 424 mt. Estimates for 1986 anticipate that, while gross cultivation may stay at the 71,000 ha level, and yields may rebound from a drought level of

6.9 kg/ha to the traditional level of 9.5 kg/ha, the combined aerial and manual eradication programs will hold net opium production at 532 mt. This downward estimate assumes an expansion of the eradication program from 9,551 ha in 1985 to 15,000 ha in 1986, but also assumes no increase in cultivation. Analysts speculate that in 1987, when the aerial eradication campaign should be more effective, net production could decline to 437 mt, assuming a further expansion of crop eradication to 25,000 ha, but also assuming no increase in cultivation or improvement in yield per hectare. The 1986 projection may be too optimistic: production could increase, given the good weather in the 1986 season, and actual eradication could be below these estimates, for any number of logistical reasons. Sustained reductions in Burma are made more difficult by the lack of government control over key growing areas, but officials in Rangoon are optimistic about achieving significant long-term effects through the aerial spraying program.

(6) Information on opium production inside Laos has been sparse for several years and U.S. analysts held the estimate for several years at 30-35 mt, down from 50 mt following the drought in the Golden Triangle, for lack of a post-drought estimate. But, with new data on additional areas believed to be under cultivation, analysts believe that earlier assessments understated Laotian production. The new estimate of 50-100 mt reflects both a correction of earlier under-estimates and a belief that production has increased to its former levels and has perhaps gone higher.

(7) Weather conditions favor an opium crop in Thailand in 1986 at least as large as 1985, but, the Royal Thai Government has initiated a determined eradication campaign, and projects that it could reduce production to as little as 16 mt tons. U.S. analysts believe that the net figure for 1986 will be somewhere within that range of 16 to 36 mt.

(8) There are no reliable estimates for Mexican opium production for 1985 or 1986. A U.S. assisted survey began February 14, 1986; at present, U.S. analysts estimate that opium production was at least as high as 1984 (21 net metric tons) and could have been as high as 45 mt. The 1985 estimate is carried over into 1986, only to indicate that U.S. and Mexican officials have no estimate for 1986.

(9) There is broad agreement among analysts that earlier estimates overstated Bolivian coca cultivation. Earlier estimates of 30,000-45,000 hectares under cultivation have been revised to 30,000-38,000 hectares, with a mid-range estimate of 34,250 hectares. The estimate is that 1985 coca production was 32,000 mt. The data are not intended to suggest a reduction in

Bolivian yield. The 1984 estimate of 49,200 mt was based on a higher assumption of hectarage and a yield of 1.4 mt per hectare, which analysts now believe is high. No estimate is made for 1986, pending further assessment of Bolivia's eradication program, and thus the table carries over the 1985 figure.

(10) The data reflect a revised assessment that indicates Peruvian coca leaf production has been under-estimated in recent years. There is some disagreement within the narcotics intelligence community on estimates for Peru. While U.S. analysts agree that gross production of leaf and the net amount available for conversion to paste/cocaine did not increase appreciably in 1985, there are different estimates of that gross. The low estimate among U.S. analysts is that gross production of leaf in 1985 remained level, at about 50-70,000 mt on an equivalent number of hectares (the figure published in the 1984 NNICC report). Estimates range from 70,000 mt of leaf to 130,000 mt (and even one estimate as high as 180,000 mt). These estimates are only partially based on aerial and ground surveys; imagery from a 1985 partial survey is now being analyzed. Pending completion of a national survey, the revised estimate for 1985 is a gross cultivation level of approximately 100,000 hectares with a post-eradication net of 95,177 hectares in 1985. The assumption is that each hectare yields about one metric ton of leaf (dry measure). It should be noted that the complete analysis, shown in the country reports, indicates that net coca leaf available for conversion to cocaine in 1985 was 36.318 mt, which compares to an estimated 35,098 mt in 1984, under the old hectarage estimate of 60,000 published in the 1984 INCSR. The revised estimate for 1985 counts more hectares but also shows higher domestic consumption.

(11) The estimate is that Ecuador's proposed campaign could reduce coca cultivation from 1000-2422 mt to 1422 mt.

(12) The estimate is that Colombian coca cultivation was at 15,500 hectares in 1985, only slightly varied from the NNICC estimate of 15,000-17,000 hectares in 1984. At a yield of 0.8 mt/ha, this planting produced 10,800 mt of leaf after eradication. The 1986 estimate assumes an effective, broad-scale use of aerial herbicidal spraying.

(13) No estimate is made for coca production in other countries.

(14) The highly successful Colombian marijuana eradication campaign is estimated to have reduced net production as low as 2,500-3,000 mt. Photographic surveys have confirmed the extent of eradication in the key northern growing areas, but there is concern about new areas under cultivation, and some analysts

believe the 1985 level may have been 3,000-4,000 mt. Analysts agree that the extended eradication campaign in 1986 should reduce the 1985 level by at least half, to 1,250 mt.

(15) Analysts do not have a reliable estimate for Mexican marijuana cultivation in 1985, but assume that the level was at least as high and perhaps higher than in 1984, the figure that is repeated here. No projection is made for 1986 pending return of data from the modified verification program, thus the table carries over the 1985 figure.

(16) The estimate is that Jamaica's marijuana eradication campaigns in 1985 reduced net production to a range of 625-1,280 mt, down significantly from the revised figure of 1,565 mt for 1984. The revised estimates are based on aerial surveys cooperatively conducted by the US and GOJ.

(17) The estimate offered for Belize factors for the resumption of spraying in February 1986.

(18) The estimate is that marijuana imports from other sources are relatively constant at 500 mt annually.

(19) The figures reported preliminarily in the 1984 INCSR for marijuana production have been revised downward from the range of 16,030-18,880 mt. The 1984 National Narcotics Intelligence Consumers report estimated pre-eradication production at 11,400 to 16,050 mt. The 1985 INCSR estimates gross production at 9,765 to 13,665 mt, exclusive of U.S. domestic production (which was included in the NNICC estimate at 1,700 mt).

(20) The figures for hashish production are not based upon empirical assessment; estimates for Lebanon have been revised upward to 720 MT, but downward to 30-60 mt for Morocco.

III. REVIEW OF THE INTERNATIONAL PROGRAM

Department of State: Role & Responsibilities

Role: The responsibility for international narcotics control, conferred upon the President by Section 481 of the Foreign Assistance Act and upon the Secretary of State by Executive Order, has been delegated to the Assistant Secretary of State for International Narcotics Matters (Authority No. 145, February 4, 1980). This function was assigned to the State Department because the United States believes that narcotics control is a matter of government responsibility under international treaties that should be dealt with as a matter of international obligation and concern.

The international narcotics control program is one of five parts of the Administration's program to reduce the drug abuse problem in the United States. The program also includes: education and prevention; treatment and rehabilitation; law enforcement; and research. The overall program, which features the personal leadership of the President, Vice President Bush, Secretary Shultz and Attorney General Meese, is coordinated in part at the policy level through the National Drug Enforcement Policy Board, and in part at the program level through a variety of working groups. Government-wide objectives were set forth in the 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking, prepared under the direction of the Drug Abuse Policy Office in the White House. Through Secretary Shultz and INM Assistant Secretary Thomas, the Department of State participates actively in the National Drug Enforcement Policy Board, which the Attorney General chairs.

INM Programs: The responsibilities and programs of the Bureau for International Narcotics Matters (INM) include: policy development and program management; diplomatic initiatives; bilateral and multilateral assistance for crop control, interdiction and related enforcement activities in producer and transit nations; narcotics-related development assistance; technical assistance for demand reduction; training for foreign personnel in narcotics enforcement and related procedures; and coordination of international efforts with domestic drug abuse strategies. INM is responsible for negotiating, implementing, monitoring and terminating narcotics control agreements with other governments.

Goals and Objectives: The Department's primary narcotics goal is to reduce the flow of illicit drugs from their sources to the United States. All of the heroin and cocaine, and most of the marijuana and other illicit drugs consumed in the United States, are of foreign origin. The worldwide supply of heroin, cocaine, marijuana and other drugs is so great and trafficking channels to the United States so diverse that interdiction and crop eradication, when achieved in only one or two producing areas, have caused only temporary declines in availability. The Bureau's program strategy is predicated on the ultimate objective of simultaneously controlling cultivation and production in all key geographic sectors of illicit drugs exported to the United States, so that significant and lasting reductions in availability are achieved. The Bureau places its highest priority on crop control in source countries and its second priority on interdiction of drugs as they move from producing areas through transit countries to the United States.

Strategy: The major drug producing countries are parties to international conventions which obligate them to control the production and distribution of illicit drugs. The Bureau's international strategy is based on encouraging and, where necessary, assisting these countries to meet their responsibilities for reducing cultivation, production, and trafficking in illicit narcotics within their borders. The strategy includes the following activities:

- diplomatic initiatives which: clarify the importance of narcotics control as a bilateral foreign policy issue; seek agreements on controlling narcotics; underline the threat posed by illicit drugs to other countries as well as the United States; seek an upgrading of the foreign policy priority assigned to narcotics control; secure the participation by other governments in funding and otherwise supporting international narcotics control projects; and improve the international environment for operations by United States agencies engaged in international narcotics control;

- bilateral assistance to selected governments whose expertise or resources are insufficient to enable them to take effective measures to meet their treaty obligations to control illicit drugs;

- multilateral assistance through the United Nations Fund for Drug Abuse Control and other regional and international agencies and organizations;

- participation in international organizations: to supplement bilateral diplomatic initiatives with producer and transit nations; to demonstrate the global nature of illicit drug trafficking; and to enlist other governments in diplomatic and financial support of international narcotics control projects, both bilaterally and multilaterally;

-in cooperation with the Drug Enforcement Administration, Customs Service, and Coast Guard, provision of training to foreign narcotics control personnel designed to improve and expand foreign enforcement efforts, and achieve self-sufficiency in interdiction; and

-demand reduction technical assistance programs which: alert other governments and community leaders to the societal threat posed by illicit drug abuse; seek to decrease demand in producing countries which serves as a local incentive to illicit cultivation, and enhance U.S. efforts to obtain narcotics control agreements by demonstrating concern for deleterious effects in other countries.

Coordination and Cooperation: The Department of State and specifically INM cooperate with various U.S. agencies, especially with the Drug Enforcement Administration, as well as the Agency for International Development, U.S. Customs, U.S. Coast Guard, the National Institute on Drug Abuse, and other units within the Departments of Agriculture, Justice, Treasury, Commerce, Defense and Transportation to halt the flow of narcotics into the United States. In addition to cooperation on country programs, this cooperation and coordination takes many forms, including joint participation in: the National Drug Enforcement Policy Board; the National Narcotics Border Interdiction System; the Oversight Working Group meetings of the White House Drug Abuse Policy Office; intelligence meetings; and coordination meetings with DEA, Customs and other agencies.

INM works closely with DEA throughout the world, with emphasis on collaboration in Latin America, Southwest and Southeast Asia. In addition to their direct responsibilities for technical assistance, casemaking and other investigatory activities, DEA agents work with INM narcotics coordinators in assessing the nature and degree of the drug problem, and in working with host government law enforcement agencies on planning and implementing action strategies.

The Agency for International Development is funding a rural development project in Peru's Upper Huallaga Valley, a development project for Pakistan's Gadoon-Amazai area, and development projects in Bolivia. INM has been involved in the planning of these projects, just as AID assisted in the design of INM's Malakand project in Pakistan. In 1984/85 AID began the development of public awareness programs and launched projects in Peru, Belize, Bolivia, Ecuador, and Jamaica, with the objective of mobilizing opinion-makers and local leadership against narcotics production, trafficking and abuse. Public awareness programs received expanded emphasis in 1985 by INM, USIA, and AID.

The United States Information Agency significantly expanded its involvement in the international anti-drug effort in 1985, utilizing a full range of assets that included Voice of America broadcasts, a multitude of news features through its wireless file (used by foreign press), telepress conferences involving key White House, State and Justice officials, and public information and awareness programs developed and/or conducted at posts. In coordination with INM, USIA seeks to inform the peoples of the three major growing regions, with special current emphasis on Latin America, about the major efforts underway to reduce drug abuse and to curtail domestic cultivation of marijuana in the United States. USIA programs also inform people of these countries about the ill effects they and their countrymen are suffering because of the narcotics production and trafficking in their midst.

Training: Crop control must be supported by a strong enforcement effort, and the Department cooperates with governments on the development of local police and customs capabilities to enforce domestic laws against trafficking. INM funds international narcotics training provided by DEA and Customs. In FY 1985, more than 1200 persons from 80 countries participated in the INM-funded training program. Approximately 27,000 foreign officials have participated in courses designed to increase operational skills and build institutions, since the program was begun in 1971. (See Appendix.)

Intelligence: The Department of State is both an important collector of narcotics intelligence information and the primary consumer of finished narcotics intelligence on policy-level international narcotics developments. The Department has been a long-time advocate of closer coordination between intelligence collection agencies and U.S. law enforcement organizations which collect foreign narcotics information in the performance of their narcotics duties. The Department has particularly sought enhanced coordination of these activities under the guidance of the Director of Central Intelligence.

INM has sought to improve both host country reports and intelligence on production. A Subcommittee on Production was created under the auspices of the National Narcotics Intelligence Consumers Committee (NNICC) to facilitate analysis underlying the estimates in the 1984 INCSR and 1984 NNICC report, and continues in operation. INM, DEA and CIA are members of the subcommittee which has worked with Embassies to produce the estimates and data for the 1984, 1985 and 1986 INCSR reports, as well as the mid-year report (which incorporates NNICC estimates and is submitted by INM each August). Data are reviewed at least twice yearly -- in the late summer and fall for the INCSR, and again in the spring and early summer for the NNICC.

In mid-1984, INM embarked on a new program to assist source country governments in data generation and analysis. INM provides equipment, technical assistance and support funding for aerial photography, usually through contracts with host country cartographic institutes and/or military air survey organizations. The imagery is used (1) to make crop estimates, (2) to provide tactical maps that can guide eradication activities and monitor eradication progress; and (3) to provide guidance to development assistance efforts. In 1985, surveys were conducted in Colombia, Bolivia, Peru, Jamaica, Pakistan, and Thailand. A new survey was begun in Mexico in February 1986.

Diplomatic Initiatives: Drug abuse affects all nations from the poorest to the wealthiest, countries which produce and traffic in drugs, and those which are primarily consumers of drugs. Historically, the U.S. Government has borne much of the costs of international control programs. The United States funds bilateral narcotics control projects in Mexico, Peru, Bolivia, Colombia, Brazil, Ecuador, Jamaica, Panama, Belize, Thailand, Burma, Pakistan and Turkey, as well as projects in key transit nations in the Caribbean such as the Bahamas and Haiti, among others. The U.S. narcotics control strategy includes diplomatic initiatives to achieve greater participation by and program coordination with other governments; the United States is urging these nations to assist through narcotics control programs and through direct economic assistance to producer countries.

The United States seeks a higher foreign policy priority for narcotics control, and is simultaneously encouraging larger contributions as well as an increase in the number of donors to the United Nations Fund for Drug Abuse Control (UNFDAC), while continuing to encourage more bilateral actions. For example, INM, with explicit support from Secretary Shultz, has held discussions with Governments in Canada, the South Pacific, Europe, the Middle East and Japan, to seek greater narcotic control program financial assistance and political support from them, both bilaterally and through international organizations.

International Organizations: The United States addresses the international narcotics problem in the United Nations General Assembly, the Economic and Social Council, the

Commission on Narcotic Drugs (which is the U.N. policymaking body on drug matters), and other U.N. organs. United Nations agencies monitor and apply controls on the flow and use of narcotic and psychotropic substances, and coordinate multilateral efforts to control production, trafficking and abuse.

Since its founding in 1971 with United States sponsorship, UNFDAC has been a vehicle for multilateral implementation of narcotics control and demand reduction programs.

In addition to UNFDAC, these U.N. agencies include the International Narcotics Control Board (INCB), the World Health Organization (WHO), and the Division of Narcotic Drugs (DND). In 1982, the Commission on Narcotic Drugs adopted a long-term global strategy and an interim action plan, which calls for enhanced, expanded efforts by UNFDAC, DND and the INCB.

A key element in worldwide advances in narcotics control has been the expanding role of the United Nations Fund for Drug Abuse Control under the effective leadership of Dr. Giuseppe DiGennaro. The Fund is now implementing projects in support of coca control in South America, marking a long-needed involvement by the United Nations and indirectly by European donors in a problem which affects Europe as well as the United States. This United Nations activity in South America was largely made possible by a pledge of $40 million over five years by the Government of Italy. The Fund has also received pledges of more than $15 million from Italy, the United States, Canada, Saudi Arabia, and the United Kingdom, with other pledges in the offing, for the Special Development and Enforcement Program in Pakistan. The Fund also provides narcotics control assistance in Africa (where U.S. assistance has been limited to Egypt and Morocco, with training programs for Kenya, Nigeria, Senegal and the Ivory Coast). Key donors to source country programs include the Federal Republic of Germany, Saudia Arabia, Sweden and Norway among others. The major donors support the Fund's policy that all United Nations drug development projects will contain drug enforcement provisions, and agree that economic assistance should be linked to commitments by recipient governments to eliminate illicit narcotic crops by specified dates.

Recent U.S. emphasis has been on encouraging European involvement in coca control programs in South America and on the special development and enforcement project in Pakistan.

Several countries earmark portions of their UNFDAC contributions for specific projects, including the Federal Republic of Germany (Pakistan); Norway (Burma); Sweden

(Afghanistan, Pakistan and Laos); and, Australia (Burma and Thailand).

Other Actions: Other units within State, Treasury and Justice also have drug-related concerns, including off-shore haven banking. DEA, the FBI and Customs have conducted successful, long-term investigative actions against illegal cash flows. The State and Justice Departments, in consultation with other U.S. law enforcement agencies, are actively exploring with various Caribbean countries the possibility of concluding agreements such as mutual legal assistance and extradition treaties to strengthen bilateral cooperation on law enforcement matters, including the sharing of financial information. One such agreement on banking controls was successfully negotiated in 1984 with the government of the Cayman Islands, and renewed in 1985. An agreement was announced with authorities in Hong Kong concerning disclosure of financial information needed for prosecution of cases. Discussions continue with the Government of Panama on methods of stopping the flow of narcotics profits. U.S. efforts to obtain financial information from the Netherlands Antilles were enhanced by the 1983 Treaty on Mutual Assistance in Criminal Matters, concluded between the United States and the Netherlands.

IV. 1985-86 PROGRAM STRATEGY

A. Assessment

There are downward trends in production in some key source countries, and reductions in others which we hope to see sustained. The fact remains that worldwide production of illicit opium, coca leaf and cannabis in 1985 was still many times the amount currently consumed by drug abusers. While individual country situations have changed, many for the better, certain obstacles remained in 1985. Some governments still do not have control of the narcotics growing regions, and prospects in several countries are dampened by corruption, even government involvement in the narcotics trade. Markets, refining areas and trafficking routes continue to shift, and new production sources emerged even as success was being achieved in eradicating crops in traditional areas. Thus, in 1985, considerable attention was focused, not just on the primary source countries, but also on secondary source areas.

The increase in drug related violence continues to be a matter of grave concern to the United States, and is seen as part of a trend toward international lawlessness which Secretary Shultz has noted in frequent remarks.

In 1985, we predicted that the increasing awareness by source country governments of the adverse effects of narcotics trafficking and drug abuse would improve prospects for narcotics control. In 1985, considerable emphasis was given to forging the kind of international alliance that we had projected as needed for success across the board. Believing that the world interest requires narcotics control programs in all the significant producer countries, supported by increased assistance from the international community, we have set a goal of having more nations become involved in the solution. We have declared in numerous international fora that the international community must capitalize on today's opportunities to expand and improve narcotics control.

We believe that there has been a good response to such messages, exemplified at one level by the statements of the heads of government of the seven leading economic nations, at another level by the increased participation in and expansion of control programs, and at still another level by the strong interest in a new international convention on trafficking and in convening a world body to discuss the global ramifications of these problems. The prospect for improvement in 1986 is brighter because there are greater incentives on the part of drug exporting countries to act and to move swiftly. The source and transit countries increasingly suffer the problems

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of economic dislocations, institutional instability and crime related to narcotics trafficking. Several continue to be besieged by political problems, including armed insurgencies supported by profits from the drug trade. Source countries increasingly understand that they are primary beneficiaries of successful narcotics control programs.

At the start of 1985, we said that one of the more encouraging signs in the battle against narcotics is the increased attention governments are placing on the need for regional as well as bilateral cooperation in anti-narcotics activities.

The meetings of Latin American chiefs of state with Vice President Bush in Quito in August 1984 were but the first of a series of inter-regional discussions and actions that are serving to meld a Western Hemisphere response. The kind of bilateral and multilateral associations which we said at the start of the year were needed are occurring in a variety of forms. Colombia took the lead in working with its neighbors (Venezuela, Brazil, Peru and Ecuador) on a variety of actions ranging from extradition treaties to cross-border eradication and enforcement campaigns. The need for concerted action in South America by South Americans was a recurring theme at the 1985 conference of the Organization of American States; a similar message was heard at the annual meeting of the Association of South East Asian Nations (ASEAN).

The United States continues to believe that strong regional cooperative efforts are the key to lasting progress against narcotics abuse and trafficking in Latin America, throughout the Western Hemisphere, and in the world at large.

The United States welcomes the personal leadership taken by heads of state and ministers from every sector of the globe at the United Nations General Assembly meetings this past October, and supports their strengthened commitment against narcotics trafficking and production.

Through various fora, including the report of the seven summit nations, the United States in 1985 urged source and transit nation governments to strengthen existing international institutions and encouraged these governments to improve national legal and social frameworks to deal more effectively with drug trafficking. The United States continues to believe that the international community should look to existing institutions, like the United Nations Fund for Drug Abuse Control to achieve an immediate impact in meeting the narcotics challenge.

The United States stands ready to help the governments and peoples of Latin America, Southwest Asia and Southeast Asia to work together for the common good. The United States believes that national and bilateral efforts must be complemented by strengthened regional cooperation in all global sectors. We are providing appropriate financial and technical support to improve regional narcotics enforcement information exchanges in Latin America and other sectors, and we are supporting development of regional programs to create heightened public awareness of the personal dangers of drug consumption and the social and economic costs of the illicit drug trade. For several years the U.S. has supported the drug abuse initiatives of the Colombo Plan and ASEAN, and encourages the work of the Council of Europe's anti-drug abuse and trafficking organization, the Pompidou Group, and others who approach this problem on a multinational basis.

The Administration is proud of its efforts these past five years to reduce drug demand here in the United States, where a very effective national awareness program led by Mrs. Reagan continues to spur community responsiveness. We note with special pride that the parents movement, so vital in this country, has spread to other societies.

B. The 1986 Agenda

Obviously, much more remains to be done.

The increased production of heroin in Mexico, which was on a downward trend for several years, and expanded cultivation of marijuana, which had been effectively curbed for many years through an aggressive, effective aerial eradication program, were the principal disappointments in a year in which other programs, despite greater burdens, met or even exceeded our expectations. Mexico has been and continues to be seen as a trusted partner in the anti-narcotics control effort, and, in meetings involving Presidents Reagan and de la Madrid, Secretaries of State Shultz and Sepulveda, and Attorneys General Meese and Garcia, both governments have pledged their unrestricted cooperation and assistance in rejuvenating this program.

Bolivia must complete the planning for both the voluntary and involuntary phases of its eradication campaign, and bring a substantial portion of its illicit coca acreage under control, enforced by eradication where necessary, enhanced by alternative development opportunities where appropriate. Bolivia met the criteria for receiving part of its 1986 economic and military assistance from the United States by adopting the necessary laws to establish a licit/illicit coca control program. The government well recognizes that continued assistance is dependent in part on achieving eradication targets in its agreement with the United States. Bolivia dispatched troops and police to the Chapare region in February to restore law and order, and both UMOPAR and PRE forces reported increased seizures of coca products and raids on processing centers. The voluntary phase of the eradication program began in December with key government officials joining campesinos in eradicating about 30 hectares, in what was seen as a demonstration of the government's political will to combat narcotics production.

Peru resumed narcotics interdiction activity in the Upper Hualiaga Valley in February 1985, after an unfortunate pause which the Government felt was necessary to permit the military to concentrate on repelling the activities of political terrorists (Sendero Luminoso) in that growing region. The killings in the Upper Huallaga Valley and the lawlessness which permeates Tingo Maria continued in 1985, again proving that narcotics control and the battle against terrorism must both share a high priority with the Government of Peru. Peru's economic and military assistance from the United States is dependent in part on the development and implementation of a comprehensive strategy for coca control. The task in 1986 is to extend the coca eradication campaign into additional growing areas of the Upper Huallaga Valley, and begin a coca control program in the southern areas.

Starting in January 1985, Jamaica progressed from its previous reliance on an interdiction strategy to an aggressive campaign to destroy marijuana (ganja) cultivation. Manual eradication activities were conducted in both the spring and fall, with 952 hectares eradicated. This campaign, obviously prompted by Jamaican concerns for its economic and civil health as well as its need to curb an escalating domestic drug abuse problem, has the necessary support to be sustained in 1986, when it is estimated that 1,065 hectares will be eradicated. Likewise, Belize, which resumed in 1985 the highly effective aerial eradication of marijuana it employed in 1983, has continued that effort in 1986 to discourage traffickers from further attempts to secure a new base for cultivation. Panama's spraying program has also been sustained in 1986.

Burma now has the opportunity, with production down in 1985 and a major eradication program underway for the Spring 1986 harvest, to achieve a reduction in the world's largest production of illicit opium. The recently initiated government eradication in Thailand is being expanded. Both of these governments must continue to enhance their individual and collective efforts to seize control of the border from

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traffickers, to destroy heroin laboratories, and to interdict shipments of both precursor chemicals and finished opium products. Pakistan continues its laudable suppression of opium cultivation, but certain strengthening of the program is needed to ensure that continued good weather and/or rising prices do not negate the achievements of the last five years. Pakistan and neighboring nations must find ways of curbing the flow of opium products out of Afghanistan and suppressing the numerous heroin labs which operate along the Afghan-Pakistan border. Viable approaches have still not been found to Iran or to Laos, and the reports of increased opium production in the latter are of renewed concern, particularly given the harbingers of success elsewhere in the Golden Triangle.

The general task remains the same as in earlier years: the grower-to-user narcotics chain which stretches across five continents must be broken through a comprehensive program of international control. Pressure must be applied at all points in the chain -- through crop control; through increased seizures of both drug products and financial assets; through intensified investigation and prosecution of traffickers; and through effective treatment and prevention of drug abuse.

International strategies must give top priority to crop control supported by enforcement programs operating as close to the source as possible. The people and governments of illicit drug producing countries must become more aware of the problems they export to other countries -- and the domestic problems they are creating within their own societies. There is a need for other governments to raise the foreign policy priority assigned to narcotics control.

Assistance should be provided by donor countries with clearly defined crop control objectives. Governments of producing nations must demonstrate the political will to undertake effective crop control and interdiction programs. Part of that demonstration of will must be the commitment of social and political as well as material resources, and promulgation and adoption of laws which facilitate control objectives. The corruption that has undermined control efforts in many source countries must be stamped out by strong and determined governments.

There is a need for treatment and prevention programs, which should be developed and sustained by each nation, according to their own needs and in keeping with their resource capabilities. There is a need to continue efforts to enhance and expand intelligence collection.

Above all, the international community must make common cause in a more vigorous, more widespread, and more united effort to control international narcotics production and trafficking.

C. The FY 1986 and 1987 Budgets

The FY 1986 budget approved by Congress is $60 million (adjusted downward for Gramm-Rudman-Hollings). The FY 1987 request is for $65.4 million, an 8.9 percent increase, with virtually the whole of the increase being allocated to in-country programs.

In FY 1986, the $50.8 million available for country programs includes $5 million which will be used for special emphasis interdiction efforts in Latin America. The country program budget includes $37 million for Latin America (72.8 percent of the program budget), $9.1 million for East Asia (18 percent), and $4.7 million for Southwest Asia (9.2 percent).

In 1987, the $55.2 million available for country programs includes $37.9 million for Latin America (68.7 percent), $13.1 million for East Asia (23.7 percent), and $4.2 million for Southwest Asia (7.5 percent). (Note: the 1987 budget does not assume a renewal of the special appropriation of $5 million for Latin American enforcement programs.)

Both budgets continue the expansion of crop eradication programs, and reflect the program initiatives of 1984 and 1985.

The 1986 Budget

Latin America: This budget increases funds for Latin America to $37 million, the largest budget element.

Particular attention continues to be focused upon Colombia which, in 1985, eradicated the majority of the marijuana crop in the traditional growing areas on the north coast. The 1986 budget will continue that historic eradication program, pushing into new areas targetted by traffickers for cultivation (traffickers are reportedly cultivating marijuana in Venezuela and Brazil, to escape the Colombian eradication program). The prospect is that, in 1986, Colombia may no longer be the major foreign supplier of marijuana to the United States, an unenviable position it has occupied for several years. There is also the very real prospect of reducing availability from Colombia's coca harvest. Colombia is testing herbicides to be used against coca in an aerial spraying program, which would permit large-scale eradication.

The 1986 budget for Peru includes funds for creation of a second UMOPAR unit to be deployed in a second coca-producing region, while increasing eradication efforts in the Upper Huallaga Valley. As in 1985, the United States expects to see Peru proceed actively on two enforcement fronts, against terrorists and against narcotics traffickers.

The United States continues to rely heavily on the strong leadership of President de la Madrid, who has faced the needs for both a reinvigorated crop control program and a campaign to stamp out narcotics corruption in Mexico. New sweep campaigns were increasingly effective at destroying narcotics crops in 1985, but need to be augmented by more precise reconnaissance and eradication planning, which will be possible through the aerial survey and verification programs agreed to at year's end. The 1986 budget continues to support the MAGO eradication fleet, including operational and ground support for fixed-wing aerial eradication aircraft being introduced into the fleet. Additional funds are sought for 1987, in anticipation of the resolution of current problems.

Spending on coca control projects in Bolivia was at lower than requested levels for several years, due to delays in project implementation, but, with the startup of both the eradication project and a strong start for the interdiction effort in 1985, the budget levels rise in both 1986 and 1987.

Similarly, the budgets for 1986 and 1987 anticipate continued expansion of the coca control efforts in Peru, subject to discussions of the anticipated Peruvian plan.

The budget supports projects to counter the efforts of South American traffickers seeking new safehavens in countries like Brazil, Ecuador and Venezuela. A major increase is included for Brazil in the 1987 budget to support the eradication and interdiction efforts of the National Police against increasing coca and cannabis production, and cocaine trafficking.

The Latin American regional fund will be increased to provide augmented support and technical assistance to countries in the region; but the large increase from 1985 to 1986 reflects the transfer-in of $5 million for special emphasis on high-impact interdiction programs in Latin America. INM proposes to spend the bulk of these funds on regional strike capabilities, drawing on the resource management and leadership capabilities of the Colombian National Police.

Southwest Asia: The FY 1986 budget is $4.69 million.

With solid pledges from the United States, United Kingdom, Italy, Canada, Saudi Arabia and others for a special development and enforcement program, Pakistan is extending its increasingly effective opium ban into additional areas of the Northwest Frontier Province. Pakistan continues to be a major refiner of heroin, drawing on opium production in Afghanistan as well as its own stocks, and a major increase is budgeted in 1986 for enforcement assistance ($0.9 to $2.5 million) to augment the number of interagency narcotics units deployed to interdict opium and heroin production and trafficking. This special enforcement budget drops to $1.5 million in 1987 (the overall change in Southwest Asia budget totals for 1987 reflects this change in the Pakistani enforcement budget).

The budget also includes funds to continue programs in Turkey and to support the Southwest Asian regional initiative.

Southeast Asia. The FY 1986 budget for Southeast Asia is $9.1 million. This budget will increase to $13.1 million in 1987, reflecting expansion of the eradication program in Burma and the overall enforcement program in Thailand.

Effective for many years at suppressing laboratories and narcotics warlords on its border with Burma, the Government of Thailand in 1985 expanded the opium poppy eradication program begun in late 1984, resulting in the eradication of several hundred hectares of opium poppy. The budget increases in 1986 and 1987 support a significantly expanded poppy control program aimed at controlling illicit poppy production within five years, provide additional enforcement assistance to consolidate efforts along the Thai/Burma border, and also support interdiction efforts.

Burma has been the largest illicit opium producer in recent years and the SRUB conducted a pilot aerial eradication project in late 1984, covering more than 160 acres. This test lead to a more widespread aerial eradication effort in 1985/86, with a marked expansion anticipated in 1987. These budgets permit a strengthening of the opium poppy eradication effort, by providing additional aircraft, and provide urgently needed equipment and training for the narcotics control activities of police and paramilitary forces.

Other Activities: INM funds training for foreign law enforcement officials, which is provided by DEA and/or U.S. Customs, at Federal training sites or in foreign countries.

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Technical assistance in demand reduction is provided through a variety of channels, including direct INM assistance with a priority on aiding producer governments in controlling domestic demand and internal drug abuse problems. Other channels include support for regional and international demand reduction projects, participation in international agency programs and fora, provision of materials, conduct of special demand reduction training programs, and providing linkage between U.S. national and international demand reduction efforts. USIA and AID are playing vital roles in public awareness campaigns in source countries.

INM will support aerial photography programs in 1986 in Pakistan, Thailand, Burma, Peru, Bolivia, Colombia, Mexico and Jamaica, and anticipates also assisting Ecuador and Brazil.

International Organizations: Considerable diplomatic and program assistance coordination is conducted through international organizations, particularly organs of the United Nations. The United Nations Fund for Drug Abuse Control has been a major multilateral vehicle for enforcement, supply reduction, and demand reduction programs. In FY 1986, funds are provided for UNFDAC and also for the Colombo Plan.

Budgets for Narcotics Control
($000)

COUNTRY PROGRAM	FY 1985	FY 1986	FY 1987
Latin America			
Bolivia	$ 1,537	$ 3,650	$ 4,675
Brazil	750	690	1,225
Colombia	10,650	10,600	10,160
Ecuador	414	940	845
Mexico	9,696	10,100	11,310
Peru	2,414	4,011	5,680
Regional	2,553	7,000	4,000
Totals	$28,014	$36,991	$37,915
East Asia			
Burma	$ 5,515	$ 5,540	$ 8,825
Thailand	2,704	3,600	4,270
Totals	$ 8,219	$ 9,140	$13,095
Southwest Asia			
Pakistan	$ 3,043	$ 3,480	$ 2,850
Turkey	900	850	1,000
Asia/Africa regional	275	365	300
Totals	$ 4,218	$ 4,695	$ 4,150
Total Country Programs	$40,451	$50,826	$55,160
International Organizations			
UN Fund	$ 2,732	$ 2,605	$ 2,900
Colombo Plan	75	70	75
Totals	$ 2,807	$ 2,675	$ 2,975
Inter-Regional Programs			
Demand Reduction	$ 377	$ 370	$ 420
DEA Training	2,223	2,145	2,420
Customs Training	1,150	1,130	1,280
INM EOP Training	300	280	300
Totals	$ 4,050	$ 3,925	$ 4,420
Program Development and Support	$ 2,731	$ 2,618	$ 2,890
Total INM Program	$50,039	$60,044	$65,445

* The 1986 budget includes a $5 million transfer-in for Latin American regional programs. The FY 1986 budget also reflects Gramm-Rudman-Hollings reductions.

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V. COUNTRY REPORTS

This section contains individual chapters for:

Latin America
The Caribbean
Southeast Asia
Southwest Asia
Arabian Peninsula
Africa
Europe

Each chapter contains country reports which respond to the requirements of P.L. 98-164. The INM budget and program plan is submitted as an appendix to this report.

Country Reports

For purposes of these country reports, the major requirements or the Act have been categorized as follows:

Part A. Status Assessment

1. Status of Illicit Narcotics Production/Trafficking
2. Accomplishments in 1984
3. Plans, Programs and Timetables
4. Adequacy of Legal and Law Enforcement Measures
5. Drug abuse, Rehabilitation and Treatment

Part B. Analysis of Production

1. Nature of Illicit Drug Production
2. Factors Affecting Production
3. Maximum Achievable Reductions in Production & Refining
4. Methodology Used in Estimating Reductions

Part C. Statistical Tables
Part D. United States Assistance
Part E. Resource Estimates

The definitions used in developing this report include:

"Major Producing Country" is defined by the statute to mean any country which cultivates or refines five or more metric tons of opium or opiate derivatives, or five hundred or more metric tons of coca leaf or coca derivatives, or five hundred or more metric tons of cannabis or its derivatives. (Derivatives are expressed in equivalents, e.g., 500 kg of heroin equals 5 mt of opium, and 1 mt of cocaine equals 500 mt of coca leaf.)

"Major Trafficking Country" has been defined by the Department to mean those countries which transship five or more metric tons of opium or opiate derivatives, or five hundred or more metric tons of coca leaf or coca derivatives, or five hundred or more metric tons of cannabis or its derivatives.

The analysis of production is reported only for "major producing" countries. Also, estimates of additional assistance required are provided only for "program countries" which includes those countries currently receiving INM narcotics related assistance. Also included are a few other countries which INM considers as having a significant role in the U.S. narcotics situation.

Data Estimation

This annual report contains a variety of data on cultivation, refining, trafficking and consumption of illicit narcotics, as well as data on eradication, seizures, land taken out of production, and other phenomena. These data have been provided by the National Narcotics Intelligence Consumers Committee, U.S. Embassies, and foreign government agencies.

Production factors can vary from country to country. For example, opium production varies from 8-10 KG per hectare in Mexico to as high as 18 KG per hectare or higher in Pakistan. Coca yields vary from 1,000 kg of coca leaf per hectare in Peru and Colombia to as much as 2,000 kg of leaf per hectare in some sections of Bolivia, and Ecuador is conducting field studies now in areas where coca yields are reported as high 3,000 kg per hectare. Colombia has higher yields per hectare for marijuana (1.25 to 1.5 metric tons per hectare) than some other countries, which are commonly estimated at 1.134 metric tons per hectare per harvest. There is a radical difference between marijuana and sensimilla yields, and most estimates imperfectly factor for this difference, which can be as high as 4:1 marijuana to sensimilla.

Yields are particularly troublesome. The NNICC Subcommittee on Production has been estimating that 200 Kg leaf yielded one Kg of coca paste, and 2.5 Kg of paste yielded one Kg of cocaine (overall, a 500:1 ratio leaf to cocaine). Now, some U.S. analysts argue that current methods do not factor correctly for inefficiency, which can be as much as 50 percent in terms of leaf lost in conversion. These analysts believe that a 63:1 leaf to paste, and 2.6:1 paste to cocaine conversion is more accurate for Bolivia. This results in a 164:1 leaf to base conversion, sharply more productive than refining estimates used elsewhere. The Subcommittee on Production will be exploring yield factors in 1986, aided by new studies from the field.

Although the intelligence community has improved several data bases significantly, virtually every production estimate is troubled, not only by sheer estimates of numbers and sizes of fields under cultivation, but by the paucity of and sometimes conflicting data on cultivation practices and yields. There also have been problems regarding growing seasons. A considerable problem concerns seasons; it has been a practice to speak of two equally productive marijuana seasons in Colombia, Mexico and other countries; recent information, however, indicates that, if there are two seasons, their yields differ radically. In several countries, it is likely that there is one extended cannabis seasons during which fields are alternatively planted and then harvested in a similar, staggered sequence which may given the appearance of two seasons.

Another factor critically affecting estimates is the difference between cultivation and production. Traditionally, U.S. analysts have determined hectarage and then reported production. For example, cultivation of 60,000 hectares in Peru was reported at 60,000 metric tons of coca leaf produced. The probability is that there have been few if any years in which all of the coca (or other narcotics crops planted in any country) that was planted was actually harvested. The likelihood is even lower that the total yield reached any consumer market, much less that the total product was consumed in the United States.

As eradication expands, it becomes necessary to make distinctions between hectares planted, and hectares harvested. Moreover allowance must be made for domestic consumption, increasingly critical as local drug abuse increases in Latin America. Improved interdiction argues logically for deducting increasingly large seizures. And, there is emerging a considerable body of opinion which holds that losses due to weather, arming and refinery inefficiencies, rot, insects, theft, and a variety of other consequences are significantly higher than the five to ten percent reduction allowed for in many recent analyses.

Indeed, there is argument that while coca production in particular may be much more extensive than current estimates, the net available for the export market may be about the same as or even less than some current estimates, when more accurate (and much larger) allowances are made for these loss factors For example, if large scale surveys determined that Peru had 100,000 hectares under coca cultivation, but 70-80 percent were lost to inefficiencies, disease, and other factors, the net production available for the cocaine market would be 36,000 to 54,000 metric tons, a range which spans the more conventional estimate that 38,000 to 44,000 metric tons of coca leaf were market available (after eradication and domestic consumption are factored).

Another problem arises as more refined information becomes available. The narcotics intelligence community then has the task of stating the new dimension, and explaining it in comparison to earlier data. Contrasts may be a function of different estimation methods, as well as market events. Data bases and estimation methods can differ significantly from one year to the next. Thus year-to-year comparisons should be made with great caution, bearing in mind that the data base may have been improved.

While there are many problems of measurement and assessment, the lack of credible, current survey data is particularly acute with respect to coca leaf cultivation and cocaine production. Not only are there the general problems of trying to estimate production in source countries, there are needs to identify the size of and consumption rates for both traditional coca chewing and the increasing coca paste abusing populations, local demand helps sustain production, but can also reduce the amount of end product available for trafficking to the United States.

For some countries in this report, there has been an attempt to "account" for the production--starting with cultivation and then subtracting for seizures of raw product; amounts refined; seizures of refined products; local demand/consumption of raw product; local demand for refined products; amounts seized enroute or at U.S. borders; and, finally, from the remainder, estimating the net amount available for export to the United States but also, increasingly, to other countries.

The available data do not permit such analyses for all countries. A given country may have acceptable estimates on cultivation, yield, and refining, but the available data on local demand may be of such poor quality as to put the complete assessment at risk. In some countries, the initial estimate of cultivation may be little more than an assumption based upon education guesses.

In sum, the effort here has been to produce the Congress with "the best estimate available." The data provided may not be comparable to previous estimates. Production estimates are at best a limited indicator of the kind and degree of narcotics control activities in a given country, or among countries. Political and economic circumstances, weather (which can boost one country's production while devastating another's, independent of their control actions), ability to absorb and effectively use outside assistance, and the host of factors concerning the kind, location and dispersion of the crops themselves have to be factored into all such equations.

Efforts to Improve Data and Analysis

In 1985, INM negotiated narcotics surveys for major source countries supplying illicit narcotics to the United States. Surveys were conducted with Peru, Bolivia, Colombia, Jamaica, Thailand (where a long-standing agreement supports what continues to be the most effective crop survey), Burma and Pakistan. This imagery led to improvement in estimates. A survey began in Mexico in February 1986. For the long term, INM plans that its production analysis program, featuring aerial photography, will meet three objectives: improving crop production estimates; providing tactical maps and monitoring systems to guide better managed crop eradication efforts; and, providing data than can guide development assistance programs.

In 1983, a Subcommittee on Production was formed under the auspices of the National Narcotics Intelligence Consumers Committee. This group, utilizing the latest available narcotics intelligence, makes periodic updates to the annual NNICC estimates, and by concentrating its focus on production, improves U.S. monitoring and knowledge of trends in international narcotics production. The Subcommittee reviewed the production in this report.

Impact of United States Assistance on the Narcotics Problem

The country reports focus on U.S. narcotics-related assistance provided under authority of the FAA Section 481/482 or by the Agency for International Development in projects with so-called "poppy" or "coca" clauses. However, the statute requires the Department to report also on other economic and military assistance granted to source countries, and, to assess how much assistance influences host government narcotics control decisions. Because of the sensitivity of much of this information, which is tantamount to a statement of the degree to which the United States Government applies "leverage" to another government, this information is contained in a classified volume, submitted separately.

In that second volume, Departmental assessments of the overall impact of other U.S. assistance fall into three views, not necessarily mutually exclusive. These are that U.S. non-narcotic assistance: (1) does not impact, negatively or positively, on the country's narcotics control decisions or performance; (2) affects positively the overall disposition and capability of the country to cooperate with U.S. drug control objectives; and (3) in some cases, that regardless of (1) and (2), a termination of U.S. assistance for narcotics policy reasons would impact negatively on the country's disposition to control illicit drugs.

Other Dangerous Drugs

This annual report, in keeping with the emphasis of the Congress concerning production of heroin, cocaine, and marijuana, concentrates on those major illicit drugs. However, INM, DEA and other agencies who carry out the international program of the U.S. Government are also concerned with the importation of other dangerous drugs.

The NNICC estimate for 1984, the last year for which a national narcotics intelligence estimate has been produced by the NNICC committee, is that the estimated consumption of dangerous drugs increased by approximately 15 percent over 1983. There have been decreases in the use of methaqualone, diazepam, amphetamine, LSD and the so-called "look alike" drugs. There were increases reported in the use of PCP and methamphetamines.

Internationally, the U.N. Commission on Narcotic Drugs, in concert with the World Health Organization, has the function of identifying and recommending the scheduling of drugs, i.e., the controls over licit narcotics and psychotropic substances.

ARGENTINA

A.1. Status of Illicit Narcotics and Production/Traffic

Trafficking in cocaine and marijuana, including cocaine refining, remain the most immediate narcotics related problems facing Argentina. The Argentine government gives sustained attention to the national and international dimensions of the narcotics problem. While supporting an active role for the UN and OAS, the Government of Argentina also encourages Latin American nations to dialogue regarding the drug threat.

In July 1985, the Alfonsin Government took an important step to control the drug problem by establishing a new Inter-Ministerial Commission. Its objective is to promote and coordinate a more effective anti-narcotic program with the active participation of concerned non-governmental organizations. The Commission has recruited a small staff and entered into a constructive dialogue the Embassy and with senior U.S. anti-drug authorities in Washington. Argentine political leaders from many different parties have shown a growing awareness of the drug problem and a willingness to support anti-drug legislation and programs. Public awareness of the drug threat is increasing as problems of drug addiction have an impact on concerned Argentine parents and authorities.

The principal factors contributing to trafficking in Argentina are: (a) its extensive borders and proximity to Bolivia; (b) its relatively sophisticated transportation system; (c) more effective enforcement action against other more traditional transit routes which has diverted trafficking to other areas; and (d) internal conditions such as Argentina's economic difficulties. While there is concern about in-country processing of cocaine, primarily coming from Bolivia, the extent of processing is unclear. The estimate is that at least one metric ton of cocaine is refined in Argentina, and given the increases in other data indicators, refining could well be more. There is no confirmed information that crop cultivation in Argentina of either marijuana or coca leaf exists on any significant scale.

Increased trafficking has stimulated greater domestic drug abuse, especially of marijuana. Abuse of cocaine may also be rising but it is still prohibitively expensive for extensive use by Argentines. Consumption of marijuana, however, is increasing. Abuse of pharmaceutical products remains Argentina's most prevalent drug problem.

Opium poppy, coca and cannabis production are outlawed. There is no evidence that would indicate these plants are cultivated in significant quantities. Seizures and intelligence indicate, however, a significant increase in the import of both coca and cannabis.

As Bolivian traffickers relocate or expand activities into the northern provinces of Argentina, the potential for Argentine development into a significant refining country increases. The danger is increased by the fact that Argentina, with its well-developed industrial sector and chemical industry, is a major producer of chemicals, including those which may be used to produce cocaine. It was estimated that in 1984 perhaps .9 MT of cocaine was refined in Argentina. While the Argentine Government has made no estimate for 1985, the amount refined has probably increased.

The Government of Argentina appears firmly committed both publicly and in deed to addressing the narcotics problem within the constraints of its budget limitations. Despite numerous economic problems, Argentina is mobilizing to confront a growing drug problem.

A.2. Accomplishments in 1985

A major accomplishment was the formation in July 1985 of the Inter-Ministerial National Commission for the Control of Narcotics Trafficking and Drug Abuse, a group created by President Alfonsin to focus and coordinate all federal anti-drug activities. The Commission is chaired by Health Minister Aldo Neri and run on a day-to-day basis by its Executive Vice President, Jaime Malamud Goti, a close advisor to Alfonsin. The Commission is large and broadly based. It covers both the law enforcement and treatment and prevention aspects of the drug problem. Also included under the Commission are two auxiliary bodies, one a technical committee with representatives from virtually every federal agency involved in any aspect of the drug problem and the other an advisory committee made up of representatives of private anti-drug organizations. The Commission recruited a small but impressive staff and has improved coordination in the areas of enforcement and prevention. Representatives of major enforcement agencies reportedly meet once a week to exchange information and discuss operations. The Commission initiated some training courses for provincial officials, appointed a committee to study revised drug regulations and legislation, and sent the Executive Vice President to Washington for wide ranging discussions of the drug issue and possible areas of U.S.-Argentine cooperation. It is also developing and implementing a national strategy on drug abuse prevention.

At the federal level, there are five separate law enforcement agencies responsible for drug interdiction and enforcement of narcotics laws. Better coordination among them is an ongoing Commission objective.

With regard to legislation, a comprehensive bill drafted last August by advisors to Vice President Victor Martinez for consideration in the Senate proposed, for the first time in Argentina, penalties for trafficking in precursor chemicals destined for drug production, plea bargaining for drug offenders and seizure of assets directly involved in the trafficker's drug trade. Another Senate bill, which is still pending, would also increase some of the fines and jail terms for current drug offenses. A drug law revision bill pending in the lower house is more limited in scope, and does not have sections dealing with precursor chemicals, plea bargaining or asset seizures. The Drug Commission is examining the issue of drug legislation to reconcile differences so that Congress can proceed to enact stronger drug laws.

During the year, the Argentine government also demonstrated its concerns about drug abuse and trafficking in drug problems through the participation of Mrs. Maria Lorenza Barreneche de Alfonsin, the Argentine First Lady, in the First Ladies Conference on Drugs in April, the sending of a high-level delegation to the March conference in Lima on public awareness of the narcotics problem, the visit to the United States of Raul Alconada and Jaime Malamud (Argentine government leaders in narcotics matters), and by stepped-up participation in various training programs. In addition, President Alfonsin discussed narcotics as a regional problem with the presidents of Peru and Bolivia, and also broached the subject during a visit by the Interior Minister of the Federal Republic of Germany.

In other accomplishments during the year, the Commission began to develop a comprehensive national drug prevention strategy by holding conferences and bringing in participants from throughout the country.

Sharp increases in key arrest and drug seizure statistics were reported in Argentina for 1985. Drug-related arrests, including juveniles, rose from about 1,400 in 1984 to 3,158 in 1985. Cocaine seizures also rose from 150 kilos in 1984 to 351 kilos in 1985. In part, these increases reflect an improved and more comprehensive system for collecting statistics, but also reflect a stepped-up law enforcement effort and an upgrading of anti-narcotics units in the Federal Police, Customs and the Gendarmeria (Border Police). They further reflect a growing drug problem in Argentina.

A.3. Plans, Programs and Timetables

Although Argentina's significance as a drug trafficking country is growing, illicit drug cultivation has not been detected at significant levels. The refining of cocaine, although reported in the Northern Provinces, is of unknown magnitude. At present, there is no formal program agreement with the Government of Argentina in the narcotics field. Current INM assistance is limited to DEA and Customs training for the various Argentine drug enforcement agencies.

The Embassy conducts an active and ongoing policy dialogue with the Government of Argentina on all aspects of the narcotics problem. This dialogue became more active after the mid-year creation of the new National Narcotics Commission. Bilateral contacts were numerous -- not only with the Commission but also with the Foreign Ministry, the media, and private citizens' organizations which have mobilized themselves against drug abuse.

A.4. Adequacy of Legal and Law Enforcement Measures

Argentine drug law enforcement entails a multi-group process whose parallel and overlapping jurisdictions sometimes inhibits effective enforcement. It is expected that the creation of the new Inter-Ministerial Commission will result in improved coordination.

Argentina's drug enforcement investigatory responsibilities are shared by five federal law enforcement agencies and to a lesser degree by each provincial police authority.

Argentine Customs is a part of the Treasury which conducts narcotic investigations involving smuggling. The borders are also patrolled by the Border Police, a quasi-military group now under the control of the civilian-run Defense Ministry. It is statutorily charged with the protection of Argentina's borders up to 100 kilometers into the country. It shares concurrent jurisdiction with Customs. At present the Aeronautical Police (an arm of the Air Force) is charged with the security of airports.

The Argentine Federal Police is a highly professional organization and controls the greatest resources for conducting narcotic investigations of all the federal agencies. While these are in-depth investigations, they are subject to stringent budgetary constraints imposed by an economically strained federal government.

Each province (state) in Argentina has a Provincial Police unit which is tasked with all police obligations -- police patrols, traffic, etc., in the provinces. The provincial governments reserve the right to conduct narcotic investigations. Due to substandard training and low salaries, these forces are, with the exception of Buenos Aires, not as professional and capable as their federal counterparts.

During March 1985 the United States Customs Service, in conjunction with DEA, conducted a training session for 25 members of the Argentine Customs Service. It consisted of teaching narcotics-related techniques which could be used by the Argentines in the enforcement of customs laws. In October DEA conducted a course at the Argentine Coast Guard Training Academy for 50 officers, which included films and lectures on narcotic smuggling techniques and South American trafficking patterns. In July 1985, two Argentine Federal Police officers attended a two-week DEA training session for instructors in Lima.

During 1985, two high ranking narcotics officers from Customs and the Argentine Federal Police went to Glynco, Georgia for DEA's Advanced International Drug Officers Academy. The objective of this training was to prepare officers to instruct their own personnel in-country.

In May, Customs Administrator Juan Delconte and Border Police Commandante General Arturo Lopetegui attended the Latin American Regional Customs Conference on narcotics interdiction at Houston, Texas. The purpose of this conference was to exchange ideas on narcotics enforcement and discuss narcotics trafficking trends in the various countries of Central and South America.

Argentina has played an active part in multilateral drug control efforts, continuing to support programs sponsored by the UN and by the South American Accord whose Argentine Executive Secretary was reelected in November 1984. The Argentine Government took a constructive position on initiatives to draft a new narcotics convention. Argentina is also participating in preparatory meetings for the April OAS Inter-American Specialized Conference on Traffic in Narcotic Drugs to be held in Rio. It will host the next DEA International Drug Enforcement Conference (IDEC) in Buenos Aires. The President and senior officials maintain a periodic dialogue on hemispheric issues -- including narcotics -- with their Latin American counterparts, especially in the Andean countries.

A.5. Domestic Drug Abuse, Prevention, Treatment and Rehabilitation Programs

Although the Government of Argentina readily concedes that the drug abuse problem in Argentina cannot be defined with numerical precision, several trends are clear. First, it is now widely accepted that because Argentina is a transit area for drugs, some of the drugs passing through are consumed within the country. Second, marijuana is by far the most popular illicit drug. Judging by rising arrest and seizure statistics, its use is increasingly significant. Third, Argentines are greatly worried about the abuse of legally available substances such as inhalants and diet pills. All of these aspects of the drug problem were aired widely in the Argentine media during 1985.

Argentina has an impressive array of private organizations at work on the drug abuse problem. Most, however, are located in the Buenos Aires region. Resources are scarce and more needs to be done at the provincial level. Several organizations have strong church ties and others are nonsectarian. In addition, the Rotary Club recently started a nationwide campaign promoting drug education and prevention through its Women's Auxiliary. The Lions Club is mounting a similar effort. Significant in this area in 1985 was the formation of a new organization, Convivir, a foundation created to raise funds and provide support for both public and private anti-drug efforts. President Alfonsin's sister, Silvia Alfonsin, is prominently involved in Convivir. The Catholic Church and other religious organizations are showing a greater awareness of the drug problem and could have a position of influence in alerting youth to the dangers of drug abuse.

C.1. Statistical Tables

	1987	1986	1985	1984	1983
GROSS CULTIVATION:					
Opium	0	0	0	0	0
Coca Leaf (HA)	Considered Insignificant				
Cannabis (HA)	Considered Insignificant				
REFINING:					
Cocaine	1.0	1.0	0.9	0.9	0.9
SEIZURES:					
Opium (KG)	.20	.20	.20	.13	33.6
Heroin	N/A	N/A	N/A	N/A	N/A
Other Opiate (Dosage Units)	15	15	15	26	N/A
Coca Leaf (KG)	28,800	24,000	20,000	12,000	11,774
Cocaine (KG)	600	400	351	150	74
Other Coca	N/A	N/A	N/A	N/A	N/A
Marijuana(KG)	2,300	2,000	1,591	500	47
Other Cannabis	400	300	273	300	64
Other Drugs (Dosage Units)	150	150	150	211	146

ARRESTS:					
Foreigners and Nationals	4,500	3,800	3,153	1,400	1,319

/1/ Statistical Sources Changed.

LABS DESTROYED					
Cocaine	6	5	1	2	6

DOMESTIC CNSMP:
NO DATA AVAILABLE.

USERS:
NO DATA AVAILABLE.

PART D

See Appendix.

E. Resource Estimate

During FY 1985, the Government of Argentina targeted Bolivian cocaine trafficking and to a lesser extent Paraguayan marijuana smuggling as its major concerns. The Argentine government also stepped up its narcotic enforcement programs, i.e., the Argentine Federal Police reorganized its narcotic division upgrading it to directorate status. Argentine Customs also reorganized its narcotic unit from a 4-man section to a 26-man department under the direct supervision of the Director of Customs. All law enforcement agencies have limited resources and doubt if the federal government alone can provide substantial assistance of the kind required. As a result, Customs, Federal Police and Gendarmeria indicate an interest in U.S. assistance. Apart from training, there is no direct U.S. funded assistance to Argentine enforcement agencies. The last such project agreement was in 1977.

BELIZE

A.1 Status of Illicit Narcotics Production and Trafficking

Marijuana is the only illicit drug cultivated in Belize. Approximately 90 percent of the marijuana crop is processed in country, and an estimated 85 percent of the crop is exported to the United States. Estimated hectarage under cultivation decreased slightly in 1985 from 1984; however, the total estimated tonnage of marijuana exported to the U.S. decreased by about 39 percent following the resumption of aerial spraying of herbicide in October 1985. Reliable data are not available, but cocaine transshipments and local use of cocaine probably increased during the year.

There are indications of a continuing shift to staggered cultivation of cannabis year-round from the prevailing two-crop-per-year pattern. As also noted in the 1984 INCSR report, growers are displaying increased sophistication in the use of modern farming techniques including irrigation, inter-cropping and fertilization. There has been some evidence of the use of herbicides for weed control by cannabis growers.

Traffickers prefer to use small aircraft to move the bulk of the product directly to the United States, although small boats are also used, and small quantities are driven across Mexico to Texas and California.

A.2 Accomplishments in 1985

In its first months in office following December, 1984 elections, the United Democratic Party (UDP) government declared its concern over the expansion of narcotics production and trafficking in Belize. Both Prime Minister Esquivel and Deputy Prime Minister Thompson publicly described narcotics as a serious threat to the country's political and social institutions. Two 1985 incidents focused additional public attention on the issue of drug trafficking. A former Cabinet Minister (of the previous government) was arrested and convicted in the United States on charges related to drug trafficking. In mid-November, a Belizean businessman was arrested in Guatemala and removed to the United States for trial under indictment related to narcotics offenses.

In addition to these widely reported incidents, the safety and possible economic impact of large-scale aerial eradication were the subject of considerable debate in the Belizian press.

In this debate over an eradication policy, particular attention was focused on resolution of legal challenges to the use of herbicides in the United States; however, the resumption of the use of herbicides to eradicate marijuana on U.S. federal lands in September removed this issue as a debating point.

During the first three quarters of 1985, the Belize government continued to attempt to restrict marijuana production and trafficking through interdiction and manual eradication. According to police statistics, law enforcement activities had resulted in 408 drug related arrests and the seizure of 11 vehicles and 4 aircraft by November 30. Manual eradication operations and processed marijuana seizures accounted for the destruction of less than one percent of the planted crop.

In October, the Belize government conducted a spraying program in the primary growing areas in northern Belize, utilizing the herbicide glyphosate. The 4 1/2 day operation destroyed significant quantities of marijuana, and brought the total hectarage eradicated for the year up to 512 hectares, or about 42 percent of the total crop. These results significantly surpass the 1984 total of 84 hectares eradicated, which was less than 7 percent of the 1984 crop, using manual eradication techniques exclusively.

A.3 Plans, Programs and Timetables

In October, 1985, the Belize government decided to undertake a complete study of the effects of aerial spraying of herbicides on marijuana. Spraying was conducted in several areas of northern Belize beginning October 28, and a Belizian agricultural expert observed the operation and examined test areas afterwards.

The government conducted further aerial eradication in February 1986, with INM assistance. The task of controlling marijuana production is likely to be more difficult in the future. The transition to staggered cultivation would require year-round field eradication efforts. Budget constraints limit the ability of the GOB to fund eradication operations, which have depended on INM funding. If a continued eradication effort using aerial spraying is to be made additional U.S. assistance will be required.

A.4 Adequacy of Legal and Law Enforcement Measures

The Belize National Police (BNP) are responsible for drug enforcement. The key individuals within the BNP are the Commissioner of Police and the Chief of the Criminal

Investigation Branch. Approximately 75 percent of the BNP's meager budget goes for salaries and little money is available for conducting operations. Trained personnel are also in short supply. The BNP has few of the resources of a modern law enforcement agency; it lacks adequate communications equipment and transportation. The BNP does pursue drug enforcement activity as effectively as resources permit, and it has very good working relationships with U.S. law enforcement agencies. During 1985, the Belize Defense Force (BDF) continued to assist the BNP in anti-narcotics operations, although the manual eradication operations conducted were less extensive than the year before. The GOB is unable to control illicit air traffic, lacking the capability to respond quickly to the appearance of unauthorized aircraft.

Legal deterrents to illicit drug activity in Belize are still relatively weak. Prison terms for drug convictions are not mandatory. Fines are low enough and confiscation laws are mild enough to remain acceptable risks for drug trafficking organizations.

There are no local anti-narcotics training programs and the government is at present unable to provide in-country training. Although the U.K. provides general police training for some members of the BNP, the only specialized narcotics training programs available to Belize are the INM funded courses offered by the U.S. Drug Enforcement Administration (DEA) and the U.S. Customs Service. In 1985, seven members of the BNP attended DEA training courses in the United States and Costa Rica. The Commissioner of Police and the Comptroller of Customs attended a regional conference on narcotics interdiction sponsored by U.S. Customs in May.

A.5 Domestic Drug Abuse

So much marijuana is grown in Belize relative to the size of the population that domestic consumption of the drug has little effect on the level of illicit activity in the country. As indicated in last year's report, however, public concern about drug abuse has increased and community action efforts and demand reduction programs continued and expanded in the first half of 1985. In September, USAID/Belize signed an agreement with PRIDE, Inc. of Atlanta to oversee a $250,000 drug awareness program for Belize. A National Drug Awareness Action Committee has been formed and a PRIDE field office has been established. PRIDE is now providing information and other resources on drug abuse to community groups, is assisting in coordination of a nationwide program against drugs, and will work to develop for the first time a reliable data base on drug abuse in Belize. Also in September, the Embassy signed an agreement with the Belize government to provide $50,000 of INM-funded support for government efforts to reduce drug demand. For the first time, significant resources are being devoted to combatting drug abuse in Belize.

B.1 The Nature of the Illicit Drug Production

Production and trafficking in illicit drugs on a commercial scale is a development of recent origin in Belize. The appearance of marijuana as a major cash crop dates from early 1982 and is due in part to a weak market for traditional crops such as sugar, corn, and beans and the lack of alternative employment for the rural population which includes a large number of recent arrivals from El Salvador and Guatemala. Other factors which support production of and trafficking in illicit drugs are a beneficent climate, the availability of land in suitable growing areas, relative ease of movement in an under-populated and lightly policed countryside, and the proximity of the U.S. market.

B.2 Factors Affecting Production

The year-round climate in Belize is warm, with ample rainfall and sunshine. The country's 22,965 square kilometers are sparsely populated. Many prime growing areas are inaccessible by road and are thus relatively safe from interference from law enforcement officials. Similarly, makeshift landing strips or even stretches of road in remote areas can be used by small aircraft with little risk that police can arrive in time to apprehend them. Favorable factors of climate and geography, plus difficult economic conditions in the 1980's, have contributed to the rapid spread of marijuana cultivation. Popular opinion has been slow to recognize the political, economic, and social costs of illicit drug activity. However, as noted above, awareness of the threats drug use and trafficking pose to Belizean society increased during 1985.

B.3 Maximum Achievable Reduction

Total estimated marijuana cultivation in Belize in 1985 was slightly lower than in 1984. This may have been due to poor weather. There was less precipitation than normal during the early months of this year's rainy season. Airborne surveys of marijuana cultivation observed later planting than usual. Total estimated cultivation for the year was 1,223 hectares, which would have yielded 1,110 metric tons. Through aerial spraying of glyphosate and manual eradication, an estimated 512 hectares of marijuana were destroyed, the equivalent of 465 metric tons or 42 percent of cultivation. This is a significant increase in eradication over 1984, when only about 7 percent of the crop (76 metric tons out of 1,153) was destroyed through manual eradication.

Following positive findings on the 1985 spraying program, the government has decided to resume full spraying, and may reduce total output by as much as 80-90 percent. Estimating a five percent rise in hectarage planted, and destruction of 85 percent of the crop, 1,092 hectares (equivalent to 92 metric tons) of marijuana would be eradicated in 1986.

B.4 Methodology Used

The methodology for computing area under cultivation and estimated yields is based on U.S. hectarage estimates. Estimated yield is 908 kilograms per hectare. The estimates of maximum achievable reduction is based on experience with previous eradication campaigns in Belize (both aerial and manual). Estimates of future reduction are dependent on external assistance for either aerial or manual eradication operations.

C.1 Statistical Tables

	1985	1986 (A)
Hectares Cultivated	1,223	1,285
Hectares Eradicated	512	1,092
Hectares Harvested	711	193
Yield (Metric Tons)	645	175
Loss Factor (5% MT)	32	9
Converted to Hashish	0	0
Consumed in Country (MT)	6.5	4
Exported to U.S. (85%, Metric Tons)	548	149
Exported Elsewhere (MT)	59	15

(A) Assumes aerial eradication with 85 percent of cultivation destroyed.

Data Tables (Cannabis)

GROSS CULTIVATION:	1987	1986	1985	1984	1983
Cannabis		1,285	1,223	1,270	1,243

GROSS POTENTIAL PRODUCTION:	1987	1986	1985	1984	1983
Cannabis		1,167	1,110	1,153	1,129

HECTARES ERADICATED	1987	1986	1985	1984	1983
Cannabis	--	1,092	512	84	593

CROPS ERADICATED	1987	1986	1985	1984	1983
Cannabis (MT)	--	99	465	76	538

NET CULTIVATION	1987	1986	1985	1984	1983
Cannabis	--	193	711	1,186	650

NET PRODUCTION:	1987	1986	1985	1984	1983
Cannabis	--	175	645	1,077	590

SEIZURES:	1987	1986	1985	1984	1983
Marijuana (Metric Tons)	--	--	3,2	12	10

ARRESTS:	1987	1986	1985	1984	1983
Nationals	--	--	327	409	264
Foreigners	--	--	81	103	73

DOMESTIC CNSMP	1987	1986	1985	1984	1983
Marijuana	--	4	6	11	6

USERS Unavailable

D.1 US Assistance: Obligations and Expenditures

See Appendix.

PART E: US Assistance

INM obligated and expended $140,000 for Belize in FY 1985. In order to support an aerial spraying operation capable of eradicating at least 80 percent of the marijuana crops, Belize would require an estimated U.S. $250,000, in both 1986 and 1987 for purchase of herbicides, transportation of equipment to Belize, per diem for field operations personnel, and fuel.

BOLIVIA

A.1. Status of Illicit Drug Cultivation and Production

Bolivia is a major source of coca leaf, derivative coca paste and, increasingly, cocaine hydrochloride (HCL) destined for the United States and recently, European markets. High profits and relative ease of cultivation lure growers, workers, and traffickers to all stages of production.

Under Bolivian law, coca tillage is quasi-legal, although processing coca paste and cocaine base/HCL are prohibited. Four bilateral agreements signed in 1983 with the United States made provision for licensing up to two hectares of legal coca cultivation per landholder.

The growth of coca cultivation over the past decade may have recently slowed, in part because of current oversupply and low prices. Production for 1985 is estimated at 34,250 hectares which, after the eradication of 30 hectares in late 1985, would have produced 32,000 metric tons of leaf (dry measure). U.S. analysts suggest that Bolivian domestic consumption of leaf is an estimated 18,250 metric tons, leaving a net of 13,750 mt of leaf. The analysis holds that this tonnage of leaf could have converted to 218 mt of coca paste and then to 84 mt of cocaine.

Production, trade, and use of other psychotropic substances remain marginal in comparison to coca. Marijuana cultivation and commerce also were minimal for some time but now appear to be on the increase, along with increased experimentation with cocaine. Marijuana traffic generally is confined within Bolivia's borders, although there is evidence of a nascent export trade. A plantation seizure in the Santa Cruz Department in September uncovered a large-scale export operation. Five thousand pounds of processed marijuana were seized. The minimum yield of the four hectares under cultivation was estimated at 10 to 12 metric tons annually. Regulation of retail sales of over-the-counter drugs and enforcement are slack, less by intent than bureaucratic inertia and absence of precise legislation.

Narcotics activity in Bolivia concentrates in: the Chapare and nearby Valle Alto in Cochabamba Department; the Yungas in La Paz Department; the entire Beni and Santa Cruz Departments; and the principal cities of Cochabamba, Santa Cruz, Guayaramerin and, to a limited degree, La Paz. Recently, new plantings of coca have been sighted in the southern departments of Chuquisaca and Tarija, areas hitherto free of coca. Overall, the potential growing areas for coca along the eastern Andean piedmont and eastern lowlands encompass about one-seventh of Bolivia's total area.

For the last two decades coca cultivation has centered along the eastern slopes of the Andes in the ancient growing area of the Yungas (rugged mountain valley terrain) and the newer Chapare area (semi-tropical flatlands), where large scale cultivation began around 1960. Terrain, growing conditions, plant varieties -- hence productivity -- differ significantly between the two.

The Yungas foothills, cultivated for centuries, range from 1,500 to 6,000 feet high. The five-month rainy season runs from December to April, followed by seven dry months. Average rainfall is 48 inches. In contrast, the flatter, lower, more tropical Chapare (600 to 1,000 feet high) enjoys over twice the average rainfall and it is more evenly distributed throughout the year.

A recent estimate indicates 26,000 hectares under coca cultivation in the Chapare, compared to 6,500 in the Yungas and 1,750 in other places.

The Yapicani (northwestern Santa Cruz Department) and the Apolo (northern La Paz Department) regions are other important coca cultivation areas. All Yapicani planting is "non-traditional" -- that is, for illegal supply only -- and the area is considered a "no-man's land". Travel and observation in the district are difficult and unsafe for outsiders. By a rough estimate, Yapicani cultivation may encompass 121 hectares.

Official Bolivian government estimates in 1984 of the 12,000-foot high Apolo region were 800 hectares cultivated; other sources currently estimate 633 hectares. Coca fields are planted next to coffee, which remains the major crop of the area. Apolo soil is marginal, and the plants may produce for only five to eight years, compared to 15 to 20 in the Chapare, up to 30 years in the Yungas, and possibly 10 years in Yapicani. New plants therefore are constantly germinated for replanting and new cultivation.

The per hectare dry leaf yield estimate for the Yungas is 1.0 metric tons per year. Though smaller in land area and per hectare yield than the Chapare, Yungas tillage is crucial to Bolivian drug traffickers. Chapare and Yapicani leaves produce only one-half the alkaloid found in Yungas coca. Yungas coca leaves -- sweet, soft and with the highest alkaloid content -- also are preferred by traditional chewers. Leaves from the Chapare and Yapicani are brittle and sour, and rejected for "traditional" use except in teas.

Per hectarage yields in the Apolo and Yapicani are not known though the former may be included in Yungas production. Alkaloid content of Apolo leaves also is believed to be high, since the plants originally came from the Yungas area and the planting conditions are similar.

With the expectation of high profits and with closer association with experienced traffickers, coca growers are adopting sophisticated and productive cultivation techniques. Modern fertilizers and equipment are still relatively scarce but could become more available if budding entrepreneurs enter this extensive and well-paying market.

Use of coca leaves for chewing, tea, medicines and associated commercial products is both traditional and legal in Bolivia. No reliable figures exist for the number of traditional users, although the 1985 INCSR report estimated 450,000 persons who consumed about 16,000 metric tons of coca leaf per year. The Bolivian government now estimates an annual domestic consumption of 20,000 metric tons, including traditional chewing and coca tea. Another estimated 3,000 metric tons is exported legitimately for pharmaceutical and related use abroad. Growers licensed to supply this licit market farm approximately 15,000 hectares. According to yield estimates cited previously, such hectarage would produce on the order of 21,000 metric tons.

In order to increase profits, and perhaps because of intensive anti-narcotics programs in key transit countries -- especially Colombia -- traffickers have expanded facilities in Bolivia for the refining of coca into paste, base, and HCL. Nevertheless, the amount of increase is unknown and most refining probably still takes place outside the country. Of the precursor chemicals necessary for refining, only kerosene, sulfuric acid, alcohol, and liquid ammonia are manufactured in Bolivia. The remainder must be imported. The Chapare region in particular is a major center for processing leaves into paste in many small and a few large laboratories. The stationing of UMOPAR troops in the Chapare in November 1985 to support the government's voluntary eradication program in the region constrained coca trade, including aircraft pick-ups. Paste from the Yungas is transported overland to the Beni and to the Valle Alto area north of Cochabamba for refining. Most cocaine base and HCL exports originate in the Beni and Santa Cruz Departments.

Prices of coca leaves and paste fluctuate considerably from week to week, depending on location. Recent dramatic shifts in the price of coca leaves are attributable to: (1) the establishment of a government presence in the Chapare which took place just prior to the winter harvest season; (2) the inherent risks in dealing coca; (3) a decrease in demand. A drop in demand, and therefore price, reportedly is common between the December and April rainy season when transportation is hindered by flooded roads and airstrips. The Government's new program to survey coca fields and begin voluntary eradication also constrained activity in the Chapare by impeding large scale processing activities and transport of leaves, paste and associated products.

Bolivia's drug traffickers are essentially that -- traders in coca and its derivatives. Their interest in politics focuses primarily on how to keep the system off their backs or -- better -- compliant, through bribes and other influence peddling. Although there are international links, drug trade in Bolivia is a relatively home-grown industry. Violence is rare, isolated, and, usually, a result of internal squabbles. Virtually no evidence has been uncovered so far of Bolivian drug ties with guerrillas or political terrorism. There is no internally-directed terrorist activity in Bolivia at this time, although such links are the subject of frequent speculation. Resistance to drug enforcement programs comes from other quarters, such as the campesinos, reluctant to relinquish the source of new found wealth, and organized labor, the Bolivian Workers' Central, angling to take opportunist advantage of a potentially explosive issue.

A.2. Accomplishments

The four U.S./Bolivia bilateral agreements signed in August 1983, and Executive Decree of May 1985 provide the groundwork for the Government of Bolivia's fight against cocaine trafficking. For a variety of reasons, implementation has been slow, but the government of President Victor Paz Estenssoro has already demonstrated both purpose and will to act. Implementation of laws and enforcement agreements is satisfactory, as suggested by increased successes against traffickers. The Interior Ministry has recently vowed to step up anti-narcotic efforts.

In December 1985 the Paz government restricted the possession and sale of kerosene, the principal precursor in coca paste elaboration, in coca cultivating areas. The Chapare voluntary eradication program begun in November further demonstrates government resolve to control coca cultivation in the face of tough domestic opposition. Despite continuing opposition from various Bolivian Worker's Central-affiliated campesino federations, the number of signatories to these voluntary eradication agreements grew from some 500 initially to more than 5,000 in mid-December. Forced eradication is contemplated for those who avoid voluntary compliance.

In 1983, the government created the elite Office of Special Investigations, with the sole task of probing and apprehending major narcotics violators. The new government thoroughly reorganized the group with new personnel in late 1985. The reorganization is expected to provide a more effective local counterpart agency to the U.S. Drug Enforcement Administration (DEA). This development is particularly significant since it is commonly recognized that the Bolivian Narcotics Police (DNCSP) has been riddled with corruption and inefficiency.

The newly active UMOPAR -- a 200-strong police strike force, also known as the Mobile Rural Patrol Unit -- has opened a second front against the drug traffickers. UMOPAR operations were stifled during the August 1984 Bolivian military entry into the Chapare, which excluded civilian police. The military presence initially disrupted trafficking patterns, but activities soon returned to near-normal as corruption again became a major factor. Under the Paz government, UMOPAR returned to the Chapare in November 1985 in support of voluntary eradication. UMOPAR almost immediately uncovered and dismantled the largest paste lab operation found to date in Bolivia. UMOPAR also is active in the important Valle Alto region and the Beni, where it has located and destroyed a number of labs. UMOPAR operations, particularly when the unit has been able to beg/borrow transport, have been enhanced by improved organization, command, and troop training. In the long term, however, this effort will succeed only if sustained by UMOPAR and -- more importantly -- the will of the government.

The bilateral agreements also created a government entity known as DIRECO (Coca Reduction Directorate) responsible for all voluntary and mandatory eradication of coca plantings. Up until the recent government initiatives, however, DIRECO appears to have been virtually non-functional. No coca reductions took place in 1984 and some DIRECO programs for the current voluntary reduction effort have just begun. Nonetheless, administrative mechanisms, personnel, and operational plans are being fully utilized in coca field surveys under the government's voluntary reduction operation in the Chapare.

The fourth program supported by the bilateral narcotics control agreements seeks to increase the manpower and extend the functions of the National Directorate for Fiscalization and Control of Coca (DNCFC). DNCFC's responsibility is to control distribution of coca to legitimate users and prevent its diversion to illicit channels. Its functions were recently merged into the DNCSP (National Directorate for Control of Dangerous Substances), under the direct supervision of the Director of National Police and the Interior Minister.

A.3. Plans, Programs and Timetables

Bolivia's narcotics effort is given focus by the bilateral agreements signed with the U.S. Government in August 1983. The plans, programs and timetables being developed by the Paz Estenssoro government attempt to keep faith with these accords. While its efforts are constrained by scarce resources and competing demands, the government has demonstrated a willingness to escalate current activities and implement its overall narcotics control program.

In these agreements, the Bolivian government committed itself to a five-year program to reduce coca production to the level of perceived legitimate demand. The initial target envisioned reduction of coca cultivation in the Chapare region by up to 4,000 hectares during the first two years through a program of voluntary eradication, with mandatory eradication thereafter as necessary. The programs to reduce coca acreage were to be directed initially at absentee landlords and at farmers who cultivate more than two hectares of coca.

Once reduction of Chapare coca fields was fully underway, an increase in the hectarage targeted for eradication of coca fields in the region was to be negotiated as the bilateral agreement was renewed annually. Eradication operations were also to be expanded to the Yungas region and other areas of illicit coca cultivation. Field operations to reduce plantings in the Chapare were to follow the reimposition in 1984 of public order in the region, without which the government of Bolivia could not act. These operations were to be part of a strategy encompassing tighter control over transport and legal marketing of coca leaves from the Chapare.

Section 126 of the Foreign Assistance Act of 1961, as amended, instructs AID to give priority consideration to development programs which would help reduce illicit narcotics cultivation by stimulating broader development opportunities. In Bolivia AID is assisting the government with a program of regional economic development in the Chapare designed to help provide alternate sources of income for farmers and the infrastructure required for alternative agriculture.

Cooperating coca producers who voluntarily eradicated their plots were to be paid a set fee consonant with the cost of required labor and also given priority access to USAID-sponsored assistance. In the event that voluntary eradication is not performed by specific deadlines set by DIRECO, the Coca Reduction Directorate, the coca fields of non-cooperating farmers will be subject to mandatory reduction by hired laborers.

Virtually nothing was done by the Siles Zuazo government to carry out the agreements. However, and to its credit, in May 1985 the Siles administration issued a comprehensive narcotics law that laid the legal basis for implementing the bilateral agreements. The August 1985 inauguration of President Paz Estenssoro has provided substance and impetus to implement the principles of the May decree. After its personnel had been changed in November 1985, DIRECO began serious field operations for the proposed voluntary reduction program. The plan formulated over a year ago by the DNCFC to establish two dozen fixed check points, several mobile patrols, extensive documentation of licensed coca vendors, strict control of licensed coca along designated routes and secure packaging of coca to prevent diversion, however, remains to be implemented.

In all of this, the Paz government remains sensitive -- and to a degree susceptible -- to considerable domestic economic and political pressure. The dependence of domestic political parties on the campesino vote restricts the flexibility of action that any democratic government might exercise to control coca. At the same time there is a growing realization that allowing the drug traffickers to continue, and to expand, their operations poses an even greater threat to constitutional rule.

A.4. Adequacy of Legal Measures and Law Enforcement Measures.

Corruption, lack of resources within the criminal justice system and failure to enforce existing laws also have hindered government efforts to suppress coca cultivation, and marketing and refining of cocaine. The basic Bolivian drug law was promulgated in 1973. This ordinance called for a broad approach to narcotics control, and established the heretofore ineffective Narcotics Police (DNCSP). While the 1973 law also mandated the registration of coca plantations by DNCSP, this provision was not carried out until a 1976 law modified the original statute. The 1976 law made any unregistered plantations of coca subject to destruction. Another statute in July 1979 made new plantations of coca illegal.

In 1981, a more comprehensive law detailing basic criminal sanctions was promulgated, but was largely repealed by a March 1983 Presidential decree. The decree allowed only two sections of the 1981 law (those defining narcotics-related crimes, and providing for police and judicial procedures) to remain in force. These two sections provide for criminal sanctions only for those who: sell coca leaves to traffickers; transport any "dangerous" substance or coca leaves in excess to personal needs (except under license); administer, provide, buy, sell, manufacture or possess "dangerous" substances illegally; or provide a place wherein the above-mentioned illegal activities are carried out. The law also penalizes accomplices, and places a duty on the owners and managers of public places to inform on persons engaged in the above-mentioned illegal activities. It provides, in addition, for confiscation of land used for the production of "plants which constitute immediate precursors of dangerous substances," and of buildings and personal property that have "served for the commission" of the crimes defined in the legislation.

The May 1985 decree defined a balanced strategy to: (1) reduce coca cultivation; (2) create and support the special anti-narcotics police envisioned in two of the agreements with the U.S.; and (3) establish a legal distinction between coca leaf destined for traditional consumption as opposed to illegal trafficking. A Presidential certification based on enactment of this law was filed in December pursuant to Section 611 (1)(A) of the International Security and Development Cooperation Act of 1985 and to Section 637 (A) of the Foreign Assistance and Related Appropriations Act of 1986. When fully implemented, the decree will also mandate strengthened enforcement with the establishment of minimum prison sentences and fines for specific narcotics violations. The Bolivian law's most serious weakness is its failure to prohibit marketing of the essential chemical precursors for cocaine and to regulate the cultivation or marketing of coca. The Paz government on its own authority has placed controls on the possession and use of kerosene in the Chapare.

As noted previously, the primary responsibility for narcotics enforcement in Bolivia lies with the National Directorate for Control of Dangerous Substances (DNCSP). The National Committee to Fight Drug Trafficking (CLNCN), which previously had oversight responsibilities for narcotics control, was dissolved by the May 1985 decree, and its responsibilities passed to the Minister of Interior and the commanding general of the Bolivian National Police.

The most significant change within the Bolivian narcotics enforcement sector in recent years has been the creation of the

UMOPAR strike force and the 30-man Office of Special Investigations. Corruption remains a problem within the DNCSP, but the new Commander of the National Police has instituted a wholesale substitution of narcotics officers in Cochabamba and Santa Cruz in an effort to address this problem.

The 1983 project agreements established the Special Investigations group and the paramilitary police unit (UMOPAR) to work with DEA. During 1984, both groups were trained, equipped and deployed in the field. The Special Investigation group established offices in La Paz, Cochabamba and Santa Cruz. UMOPAR, before deployment to the Chapare in November 1985, operated from its base in Cochabamba. The unit provided support to DEA operations against processing laboratories in the Beni, especially in the fall of 1985, and against paste labs in the Valle Alto. UMOPAR's effectiveness is increasing with experience and the clear expression of support at high political levels.

The INM-funded contract advisor has worked with the UMOPAR troops throughout the year in training, communications and tactics. In February 1985, thirty Bolivian police officers were given a two week basic narcotics investigation course by DEA. During 1985, four senior police officers were sent to DEA's Advanced International Drug Enforcement Officer's Academy at Glynco, Georgia. In addition, forty prosecutors were given a three-day seminar by DEA and DOJ officials in La Paz, in November 1985.

The U.S. is the only foreign country that presently has narcotics enforcement and control officers in Bolivia. The Federal Republic of Germany, however, plans to assign a narcotics liaison officer to La Paz in April 1986. Several Royal Canadian Mounted Police (RCMP) officials resident in Lima cover drug matters in Bolivia. There are no Bolivian police officers assigned to other countries for drug control or liaison purposes.

Bolivia is a signatory to the 1961 Single Convention and its 1972 amendments, the 1971 Convention on Psychotropic Substances, and the South American Accord on Narcotics and Psychotropic Substances. The Government of Bolivia signed the New York Declaration Against Drug Trafficking and the Illicit Use of Drugs, introduced at the UN in New York in October 1984.

A.5. Drug Abuse, Rehabilitation and Treatment

A few years ago, use of substances other than raw coca leaf was rare in Bolivia. Today the abuse of cocaine HCL and its antecedents (such as coca paste) is rapidly accelerating.

Availability and the search for new markets by traffickers make Bolivia itself, and particularly its youth, prime targets. Media reports of youths smoking "pitillos" (cigarettes laced with coca paste) and abusing other toxic drugs are common. Some Bolivian officials, noting that campesinos reportedly receive part of their pay in paste, estimate hat as many as 60,000 Bolivians now smoke "pitillos", with tne highest abuse among younger teenagers. Still, the level of local abuse is low compared to the quantities of cocaine or its antecedents exported, and, unlike traditional chewing and smoking pitillo, domestic cocaine use is thought to have little influence on production, refining, and trafficking. Use of other psychotropic substances is limited, although a small but growing market exists for locally grown marijuana. Over-the-counter drugs, mostly imported, are dispensed freely and consequently abused. Although there is increasing public recognition of the problem, Bolivia is ill-prepared to counter the debilitating long-term effects of social and economic dependency on drugs.

Because domestic abuse of cocaine and similar drugs is relatively recent, treatment and rehabilitation programs are scarce and, in some instances, unskilled. Several small private and government treatment facilities do exist.

Government statistics reveal that during 1983 a total of 755 individuals were treated for drug abuse on an in-patient or out-patient basis. From January 1, 1984, to September 30, 1984, a total of 389 patients were reportedly treated for drug use. Patients utilizing private facilities generally represent users from middle- and upper-class families. Coca paste abuse among the lower classes also is spreading at epidemic speed. The dramatic increase of domestic abuse can be measured by the following official figures. Bolivian authorities remanded 47 persons to the National Institute for Investigation of Drug Dependency (INIF) from January through October 31, 1985. In the same period, INIF tended 7,019 patients from all sources (that is, churches, private referral, etc.)

The Educational Campaign on Narcotics (CESE), a part of the CNLCN, leads Bolivia's anti-narcotics information effort. The agency publishes pamphlets and general news stories and sponsors media campaigns against narcotics production and abuse. CESE also occasionally provides professional panelists and teachers for courses and symposia for schools, the media, and civic groups. CESE has been operational only since early 1984. The Agency's message has made a positive contribution to public awareness. Misunderstanding, apathy, and fear to speak out still prevail, however, and intensive educational effort will be needed to make Bolivians respond openly to drug trafficking and consumption.

B.1. Nature of Illicit Drug Problem

Coca and a limited amount of marijuana are grown in Bolivia. Bolivian marijuana is not currently a problem for the U.S., however, since none is known to be exported to the U.S. Use of coca leaves, chewed by inhabitants and incorporated into tea and medicines is legal in Bolivia. Processing of leaves into cocaine HCL and its unrefined antecedents, however, is neither traditional nor legal. According to the May 1985 narcotics decree, coca leaf production outside of "traditional" areas is illegal, but the determinations of how much coca may be grown by each producer within the traditional areas remain to be effectively enforced.

The country's entire economic structure -- labor, marketing, supply/demand -- is being distorted by growing reliance on coca. Although vast sums are involved, the exact impact of coca on the Bolivian economy is impossible to calculate. The influence of the drug trade on Bolivian society, however, goes far beyond its major role as the "principal cash crop" for many peasants. The poor continue to migrate to key coca producing regions seeking ready work and cash. This trend could increase dramatically as Bolivian tin mines close down in the face of the dramatic fall in world tin prices and as landless and unemployed miners seek employment alternatives. Thus far 4,000 to 5,000 miners have migrated. In areas such as Cochabamba's agro-industries, diversion of resources, transportation, and skilled labor have severely disrupted normal legitimate trade patterns.

B.2. Factors Affecting Production

The main factors affecting coca production have been high-priced external demand, public opinion, government inaction, pressure from coca producers and large, easy profits. By rough calculation, Bolivian users chew and otherwise use as much as 20,000 mt of leaf per year. Political, social and media attitudes towards cultivation, tea drinking and chewing are benign.

Public attitudes toward processing into paste, cocaine base and HCL are generally negative. A declining number of influential individuals and groups, however, clings to the notion that cocaine is a problem only for the U.S. and other developed nations. Narcotics traffickers attempt to perpetuate this canard. The Paz government has repeatedly stated that narcotics reduction is a key policy objective and has moved with growing deliberation to address the narcotics issue.

Economic motivations play a large part in maintaining the momentum of the thriving coca trade. Other crops are grown alongside coca, but profits from coca and coca paste continue to far exceed that from fruit and grain crops. Despite the drop in coca prices and the adverse condition of the Bolivian economy, even small-scale growers thus have managed to maintain an adequate standard of living.

The impact of coca on the Bolivian economy is poorly understood. Bolivian drug traffickers are among the richest people in Bolivia. But, while the narcotics trade has created jobs and jolted the lower reaches of Bolivian society with relatively easy cash, most of the tremendous profits falling into the hands of the high- and medium-volume traffickers may escape the domestic economy. At the moment, Bolivia's shaky economic condition deters substantial domestic investment of these large sums of drug money.

Should the investment climate in Bolivia improve, drug traffickers might be more inclined to put their profits to work at home, procuring property, legitimacy and influence at the same time. Once so established, narcotics peddlers could acquire a measure of social acceptance and power far beyond any they wield today.

B.3. Maximum Reduction Achievable

The Paz Estenssoro government is slowly gaining experience and confidence in coca eradication operations. Voluntary eradication efforts in the Chapare only began in November 1985. Nonetheless, the government appears committed to making cautious progress in the face of logistical inefficiencies, resource constraints and campesino resistance. There are plans to expand the effort to the Yungas and other cultivation areas once the voluntary reduction program in the Chapare is established. A mandatory reduction program also is contemplated once maximum voluntary compliance is obtained in the Chapare. Without accurate surveys, and strategies for eradication, estimates of potential coca reduction are not possible.

B.4. Methodology to Determine Maximum Achievable Reduction

U.S. agencies have experienced considerable difficulty in assessing the expansion of coca cultivation and estimating net production for export in Bolivia. The Subcommittee on Production of the National Narcotics Intelligence Consumers Committee estimated in its report on 1984 that gross cultivation was in the range of 30,000 to 45,000 hectares. The NNICC further estimated that the gross leaf yield was in the range of 42,000 to 63,000 hectares, using a yield of 1.4 metric tons of leaf per hectare. It is noted that this last, critical factor has been highly variable; yields of 1.8, 1.0 and now 1.4 mt/ha have been used over the last three years, reflecting the variability of information obtained from Bolivia.

Finally, the NNICC estimated that theoretical maximum production [assuming all leaf were converted, which has never been the case in any Andean country] could be as much as 84-126 metric tons of cocaine hydrochloride [using a 500:1 reduction ratio leaf to HCL].

In 1985, a combination of estimation sources yield an estimate that coca cultivation is 34,250 hectares, with 75 percent of this planting occuring in the Chapare region, which has been the focal point of U.S. assisted narcotics enforcement and related development activity.

Analysts have calculated both monoculture and mixed cultivation, and estimate that production in 1985 totalled 79,911 metric tons of leaf [wet measure]. Rounding to 80,000 mt, this production would convert to 32,000 metric tons of dry leaf, the common measure. Minus 18,250 metric tons for domestic consumption [calculated at 50 grams per day for one million users], the estimate is that 13,750 metric tons of leaf were produced for conversion and external consumption.

The further estimate is that these 13,750 mt of dry leaf yielded 218 mt of coca paste [63:1 conversion] which would yield 84 mt of coca base and/or cocaine [2.6:1]. This formula uses a factor of 50 percent efficiency for the conversion process, well below some independent estimates which hold that inefficiency or losses may be 80 percent.

While this is considered a more rigorous formulation, the net result of 84 mt of cocaine as the maximum production possibility is consistent with the lower end of the NNICC estimate range for 1984: 84-126 mt cocaine. While similar surveys to those used in 1985 were not available in earlier years, the tables below apply the methodology to previous years. It is noted that doing so suggests an increase in net production from 1984 to 1985, which is possible.

There is no U.S. or Bolivian estimate for 1986, largely because it is too soon to project the possible impact of coca eradication efforts expected from Bolivia. Thus, the 1985 figures are simply repeated.

C. STATISTICS ON COCA PRODUCTION AND REFINING

[Figures are for 1984 and 1985, respectively, with 1986 generally shown as unknown, pending Bolivian action on eradication.]

	1984	1985	1986
Gross Cultivation ha	30,254	34,250	32,243
eradication ha	0	30	Unknown
net cultivation ha	30,254	34,220	Unknown
leaf production mt [wet]	71,218	79,911	Unknown
leaf production mt [dry]	28,487	32,000	Unknown
domestic consumption leaf mt	18,250	18,250	18,250
net production dry leaf mt	10,237	13,750	Unknown
conversion to coca paste	162	218	Unknown
conversion potential: base mt	62	84	Unknown
conversion potential: cocaine mt	62	84	Unknown

D. Status of US Assistance

See Appendix.

The $16.9 million Chapare Regional Development project funded by AID is helping the Government of Bolivia to provide viable income-generating alternatives to coca in that region over a five-year period. The project provides for agro-industrial marketing of Chapare products, forestry, agricultural extension and credit services, rural electrification, as well as support to a local private radio-based anti-narcotics education program. This project, as well as components of two other AID loans (Rural Sanitation and Rural Roads) devoted to development of basic infrastructure of the Chapare, contain conditions which prohibit project benefits from being provided directly to farmers producing illicit coca.

In addition, in FY 1985, AID made a $250,000 grant to the GOB and a local private organization to provide technical assistance to a national drug prevention campaign, training in communications techniques and help with formalization of a national policy on drug abuse and prevention.

U.S. military assistance could substantially boost Bolivia's anti-narcotics program. Aircraft and pilot support in 1984 and 1985 for transport for Bolivian narcotics police were performed by the Bolivian military and financed by the U.S. The military at times called into service most of its helicopter and non-combat fixed-wing aircraft.

This peripheral involvement notwithstanding, the military has remained on the sidelines in the struggle against narcotics traffickers. Given the intensity of the Paz Government's commitment to combating the narcotics trade and its corresponding lack of resources, the use of armed forces manpower and equipment could well supply the crucial difference if a larger military assistance program were available.

The INM contribution during FY 1985 reached $1.537 million. In FY 1986, the request is for $3.65 million. The INM program seeks to fund Bolivian government entities involved in narcotics enforcement, supplying training and equipment. These funds will continue to have a positive influence on the government's willingness to cooperate in the narcotics control effort as well as in other areas of USG interest.

The relative magnitude and responsiveness of the overall U.S. assistance program and policy since October 1982, when a constitutional government returned to power, has helped the U.S. Government to achieve and maintain a narcotics policy initiative in Bolivia, and has worked to ensure dialogue with the highest levels of the current administration. The overt commitment of the Paz Government responds to and complements the U.S. approach. This mutual interest not only serves U.S. narcotics policy objectives but also supports the maintenance of a constitutional democracy, economic reform, and the strengthening of the private sector as a force for economic renewal.

E. Resource Estimates.

Bolivia's continuing economic difficulties and resulting social and political stress present obstacles that make any estimate of resources for truly effective implementation extremely speculative. The FY 1986 request of $2 million for the coca production and control project may suffice to assist in reaching voluntary reduction of hectarage in the Chapare. However, even if only approximately 2,000 hectares is to be eradicated in a combination of voluntary and involuntary reduction, this sum may be short of the financial support required for the task. Eradication and control of coca in Bolivia is inextricably linked to the government's ability to demolish effectively coca processing and trafficking. Effective interdiction operations that shut-off the illegal domestic and international transportation of leaves, precursor chemicals, paste, base and HCL would make the coca cultivators more tractable and responsive to eradication and control. The best approach is an escalating but measured resource commitment which responds to the Paz government's demonstrated willingness to curtail effectively narcotics trafficking.

BRAZIL

A.1. Status of Illicit Narcotics Production and Trafficking

Narcotics production and trafficking in Brazil have not reached the level of the major South American producers. Nevertheless, increased illegal narcotics is a serious, potential threat, given the stepped-up enforcement efforts in Colombia, Peru, and Bolivia. The vast, underpopulated, and largely unpoliced jungle wilderness would appear to offer an increasingly attractive alternative for narcotics traffickers.

Marijuana is growing in many parts of Brazil with the greatest concentration in the northeast. Marijuana is harvested three times per year. Although most marijuana is produced for domestic consumption, there are reasonable grounds to believe that some marijuana may be destined for the United States and Western Europe via Suriname and the Caribbean. There are no reliable estimates on the number of hectares under cultivation. There is no information indicating that traffickers or producers have institutional ties outside the country. In Brazil terrorism and political insurgency are not factors exerting influence on the narcotics trade.

Coca cultivation as a cash crop appears to be a fairly recent development. The primary production area is in the northwestern part of the country, in the Amazon. Coca is harvested twice per year, in the May-August time frame, and just prior to the rainy season, December-January.

Most coca appears to be sold to Colombian, Peruvian, and Bolivian traffickers who further process it, supplying the finished product to the United States. Limited scale processing of coca to paste and base in small laboratories is known to occur in Brazil. Further processing of base to cocaine HCL probably occurs in Brazil, but few HCL labs have been discovered there. Coca base sells for approximately $5-6,0000 per kilo in Brazil, while HCL costs from $12-15,000 per kilo. Because of increased voluntary control by Brazilian manufacturers over essential precursor chemicals, the price of base and HCL is moving upward. There are no reliable estimates for coca production. Moreover, given the fact that Brazilian coca grows quite well among jungle trees under cover of the jungle canopy, reliable figures may be unobtainable. Domestic consumption of cocaine is not yet great, but its use is increasingly found among the lower socio-economic population of the larger cities as well as among the affluent. Processed cocaine also transits Brazil by common carrier, auto, private and commercial aircraft, or boat to major shipping points where it is distributed locally or delivered to the United States and Western Europe.

Precursor chemicals (ether and acetone) are produced legally in Brazil. Major manufacturers and distributors are now reporting voluntarily to federal police individual sales over one liter. Brazil is also a transit route for externally produced (principally European) acetone and ether, bound primarily for other South American countries. Transit routes are along the Amazon River, and from Sao Paulo/Rio westward toward Bolivia and Paraguay. Seizures of these essential chemicals are up substantially.

There are positive indicators of increased official recognition of both international and domestic aspects of the narcotics problem, and public awareness on narcotics issues is growing. Community-level efforts, private and governmental, are making impressive beginnings at establishing viable education and prevention programs. In many states, Governors' wives are taking the lead in sponsoring these anti-narcotics activities.

A.2. Accomplishments in 1985

The Brazilian Federal Police (DPF) conducted several major eradication operations in 1985. Operation Eccentric, begun in late 1984, was successfully concluded in early 1985. Large quantities of precursor chemicals were seized, including documentary evidence of sales of thousands of 55 gallon drums of these chemicals. Over 100 individuals were taken into custody, and airplanes, boats, cars, trucks, weapons, and property were confiscated, as well as real and counterfeit U.S. currency. Six coca leaf-to-paste labs were found in this operation and destroyed (two other labs were also destroyed in 1985). This operation is believed to have struck a damaging blow to the so-called Colombian mafia operating in Brazil.

The Operation Satellite marijuana eradication project, scaled back because of heavy rains and flooding, took place in seven northeastern states. Although final statistics have yet to be reported, a significant amount of marijuana reportedly was seized, several plantations destroyed, and a number of arrests made. Flooding also apparently destroyed a large number of plants.

Elements of the Brazilian Air Force and Navy gave strong logistical support to Operation Frederico III, a river-borne coca eradication effort in the Amazon. Although Frederico III was foreshortened because of military operational requirements,

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it nevertheless succeeded in eradication of nearly one million stalks of coca, destruction of two coca leaf-to-paste labs, and about 15 arrests.

Special police operations resulted in several significant seizures. The DPF unit in Sao Paulo seized 130 kilograms of pure cocaine in the interior city of Barretos, arresting five persons including a Bolivian identified as one of South America's most wanted traffickers. The value of the cocaine was estimated at $3.5 million. Within the week, the same unit seized 34 kilograms of cocaine at Garulhos airport, Sao Paulo, arresting nine individuals. A later seizure of 150 kilograms of cocaine was also effected in Fernandopolis, Sao Paulo state, by the DPF. Two Colombians and a Brazilian pilot were arrested at the airstrip and a former Brazilian Deputy (congressman) was later arrested at his home in Brasilia.

Beyond these enforcement actions, the DPF program to monitor sales of precursor chemicals began to gather momentum with the creation and staffing of a dedicated office and the installation of computerized equipment. Seizure of both acetone and ether are up substantially.

A.3. Plans, Programs, and Timetables

Brazil, through its newly reorganized Federal Drug Council (CONFEN), has begun to chart new directions for the nation's anti-narcotics efforts. CONFEN is taking a more active role in policy making, coordination and implementation, and is developing an ambitious and comprehensive program addressing prevention, education, rehabilitation and enforcement.

While DPF personnel have accomplished much in the fight against narcotics trafficking in the past year, they continue to find long-range planning difficult. There are proposals for increased budget and staffing, but because of budget austerity imposed by Brazil's huge debt, the outlook for significantly increased domestically generated resources is cloudy.

Nevertheless, the government is planning for continuation of coca eradication efforts (Frederico IV) and other enforcement programs. Brazil has also agreed to host in April 1986 an Organization of American States Inter-American Specialized Conference on Traffic in Narcotic Drugs.

A.4. Adequacy of Legal and Law Enforcement Measures

Brazilian laws are explicit in outlawing the production, refining, use and trafficking of illicit narcotics, and allowing for confiscation and destruction of illegal drugs as well as lengthy imprisonment for narcotics offenses. Moreover, goods gained through narcotics trafficking are subject to forfeiture. Proposed new legislation, which would require proceeds from all forfeited property to be turned over to CONFEN for its use in the anti-narcotics effort, has been introduced into the legislature.

A major problem in Brazilian law is the inability of police to use effectively conspiracy statutes to catch traffickers. Under Brazil's code, many undercover operations could be considered "entrapment" and would result in criminal sanctions against the police. The use of wire intercepts and judicial plea bargaining are prohibited, further limiting the Federal Police's investigative activities. The Ministry of Justice is studying the advisability of introducing new legislation to increase the flexibility of the police and prosecutors.

The Narcotics Division of the Federal Police has demonstrated professionalism in narcotics enforcement, and has been involved in all elements of narcotics control, including eradication operations, chemical control, and organized crime investigations. However, major field operations must be staffed by loans of personnel from regional police superintendencies (field offices). Below the Federal Police level, narcotics enforcement training for police is rudimentary.

Other principal agencies involved in the control of licit and illicit narcotics are the Customs Service, which maintains border entry controls and the Foreign Ministry, which approves international narcotics agreements. Coordination among these agencies is achieved through the Federal Drug Council, where these and other government and private sector agencies are represented.

Corruption has not emerged as a factor influencing the government's narcotics control performance.

Besides the United States, the only other country maintaining a narcotics control official in Brazil is the Federal Republic of Germany, which this year assigned a narcotics enforcement officer to work directly with the DPF.

The DPF operates a modern academy for the training of its police officers. U.S. Government departments or agencies such as State, DEA, Customs, and Justice have sponsored, funded, and/or participated in in-country training programs, or have sponsored U.S. training courses for selected Brazilian enforcement officials. Executive Observation Programs (EOP) have also been arranged for senior-level members of the Government, including the Secretary General of the Justice

Ministry; the Director General of the DPF; and the Director of the DPF's Drug Enforcement Division. The President of the Federal Drug Council and a Brazilian Federal Deputy are scheduled to participate in EOP's in 1986.

A.5. Domestic Drug Abuse Problems

After alcohol, the most serious drug abuse problems are marijuana, "controlled drugs," and cocaine. Statistical evidence is not available, but the use of marijuana and cocaine are believed to be growing, and drug abuse is becoming a middle class problem. The use of cocaine has also been reported among the lower socio-economic populace in the larger metropolitan areas. Internal consumption is believed to be playing an increasing role in production and trafficking of cocaine and marijuana in Brazil. In addition, the size of the potential Brazilian market for cocaine appears to be inducing greater exploitation by traffickers in search of customers to buy their excess production.

Preventive education, treatment, and rehabilitation are being addressed by the Federal Drug Council. There is also pending legislation to require radio and television stations to promote an education campaign against narcotics use. A growing grass-roots movement is gathering momentum among concerned citizens who are organizing locally, using the PRIDE model. There are few private clinics which treat drug addicts, and state public health facilities currently lack funding for rehabilitation of addicts.

B.1. Nature of Illicit Drug Production

Coca and marijuana have been grown and used by native Indians for hundreds of years, but it is only in more recent years that these products have been cultivated as cash crops. While expanding, coca cultivation does not approach the level of the three major South American producing countries. Nevertheless, it is reasonable to predict continued growth given: the vast expanse of the Amazon and its proximity to Bolivia, Colombia, and Peru; Brazil's excellent transportation infrastructure; and the increasingly successful drug repression campaigns in neighboring countries, all of which combine to create the potential for increased production in Brazil. Marijuana is already believed to have become a common crop among the impoverished farmers in the northeast.

Refinement of coca leaf to paste and base has thus far been observed only on a small scale basis (8 labs discovered in 1985). During 1985 two HCL cocaine laboratories were seized and destroyed. Additionally, Brazil's large population offers a significant market. Much of Brazil's immense land can be used to grow marijuana and/or coca. The remote Amazon offers access to a major waterway combined with excellent cover from aerial surveillance, making the vast region an ideal location for coca plantations.

Drug abuse and trafficking historically have not been problems in Brazil as in neighboring countries, and little public attention was focused on narcotics. This began to change following the assassination of Colombian Justice Minister Lara by drug traffickers in the spring of 1984, and has gained momentum under Brazil's new government.

Demand, as well as the progress of narcotics control efforts in neighboring countries, are likely to affect future production and trafficking. Brazil is an open, democratic society. The media can and do influence the public, and government leaders respond to the electorate. Increased public awareness should eventually result in some increased commitment of resources to combat production and to promote other anti-narcotics efforts.

B.3. Maximum Achievable Reductions

As earlier reported, there are no reliable statistics on the number of hectares of coca or marijuana under cultivation. Brazil is committed to vigorous pursuit of the war on drugs, and the prosecution of narcotics traffickers and has accomplished much over the past year. However, even without cultivation data, stemming coca production completely presents a particularly difficult problem. First, it is difficult to spot from the air because much of it grows among the trees under a dense jungle canopy. Second, it is difficult to reach, as roads and airstrips are virtually non-existent in the Amazon. Finally, eradication efforts must be coordinated between the Air Force, Navy, and police. These efforts are constrained by availability of military transport, which is dictated by operational requirements.

Because of continued demand, and Colombian, Bolivian, and Peruvian enforcement activities which force traffickers to seek alternative locations, it is likely that production and trafficking will increase in the near term until government efforts to combat it reach the necessary level for containment. Nevertheless, we project increases in the crops eradicated in 1986, but cannot at this time project net reductions.

C.1. Summary Tables (Officially reported figures through October 1985, unless otherwise indicated.)

GROSS CULTIVATION:	1987	1986	1985	1984	1983
Coca Leaf	As noted in text, figures are unavailable, and projected aerial photography plans have not yet materialized.				

GROSS POTENTIAL PRODUCTION:	1987	1986	1985	1984	1983
Coca Leaf	No Estimates are Available				
Cannabis	No Estimates are Available				

HECTARES ERADICATED:	
	The DPF does not measure eradication in hectares.

CROPS ERADICATED:	1987	1986	1985	1984	1983
Coca Leaf(MT)	2,000	2,000	491	4,395	700
Cannabis(MT)	1,500	1,500	1,375(N)	2,651	1,037

REFINING:	1987	1986	1985	1984	1983
Cocaine Paste	Unknown, few labs have been discovered.				
Hashish	Unknown, but probably very little				

SEIZURES:	1987	1986	1985	1984	1983
Opium (K)	0	0	1	0	0
Heroin (K)	0	0	5	0	0
Other Opiate (Units)	0	0	0	0	0
Coca	(See footnotes.)				
Cocaine Base (G)	(Not reported.)				
Cocaine (K)	550	550	552	549	560
Marijuana	(See Footnotes.)				
Other Drugs (Millions of Units)	.100	.100	.557	.012	0135
Acetone (L)	50,000	50,000	38,542	N/A	N/A
Ether (L)	50,000	50,000	41,280	N/A	N/A

ARRESTS:	1987	1986	1985	1984	1983
Foreigners and Nationals	2,200	2,200	2,027	2,924	4,238

LABS DESTROYED:	1987	1986	1985	1984	1983
Cocaine	5	5	8	3	2

DOMESTIC CONSUMPTION	(No figures available.)
Licit Production	(No figures available.)
Users	(No Figures available.)

Footnotes: The DPF does not make distinctions between eradication and seizures when reporting data for marijuana; because most actions are by eradication, data is reported under eradication. Similarly, the DPF counts plants destroyed when eradicating coca These are then converted to metric tons based on the average size of the plant. In addition to reporting data by metric tons, the DPF also reports destruction data in plantation equivalents: 53 coca plantations and 54 marijuana plantations through the reporting period.

(N) - Estimate for 1985.

PART D

See Appendix

PART E

Resources supplied to the DPF under the INM program have been extremely important in making it possible for Brazil to increase its narcotics activities in the past few years. Given current manpower levels, the present level of funding is adequate for FY86. Until the DPF is able to initiate and maintain a viable presence in the upper reaches of the Amazon, traffickers will have virtually free run in that area.

The primary aim of the INM program is to assist the Brazilian authorities and to awaken the public to the dangers of the traffic in Brazil. With an increased realization of the dangers of the drug traffic will come a greater dedication of resources by the Brazilian government to narcotics control. The United States will continue its support. INM is prepared to increase funding to Brazil to $1.2 million in FY87 for an expanded effort, based on the elaboration of an integrated plan and the commitment of the Government of Brazil to goals and objectives. An integrated plan should involve both police and military approaches to eradication and interdiction, and include production surveys to facilitate an enhanced eradication program. The programs at lower levels, particularly the INM-funded, USIS-sponsored public awareness assistance projects, are producing good results in sensitizing the Brazilians to the problem--and in inducing them to devote more resources to it. Dedicating additional resources to the problem should produce a commensurate response by the Brazilian government.

COLOMBIA

A.1. Status of Illicit Narcotics Production and Trafficking

There was continued dramatic progress in 1985 in the Government of Colombia's (GOC) programs to reduce narcotics production and trafficking. Long the principal supplier of marijuana and cocaine to the U.S. market, Colombia succeeded in reducing its marijuana crop by 67 percent country-wide, including an 85 percent reduction in the key northern growing areas, through stepped-up aerial herbicide eradication.

Colombia also reduced coca leaf production by 2.5 percent, in part through testing of a new chemical eradication program, and seized an estimated 13.5 percent of the cocaine refined in Colombian labs. Interdiction efforts against trafficking routes and production sites also increased.

Despite the GOC's limited resources (which the United States supplements with increasingly larger grants for narcotics control programs), the political and economic power of the traffickers and the security threats posed by the cooperation between traffickers and guerrillas, the climate for greater progress in narcotics control is encouraging.

Marijuana: Colombian marijuana production has declined sharply in the past two years. While it accounted for an estimated 57 percent of the U.S. marijuana market in 1983, Colombian marijuana dropped to about 42 percent of total supply in 1984, according to the National Narcotics Intelligence Consumers Committee (NNICC), as a result of the eradication program which employs the aerial application of the herbicide glyphosate. The combined effect of aerial eradication and increased seizures by Colombia in 1984 reduced the quantity of Colombian marijuana shipped to the U.S. by an estimated 30 percent from the 1983 level.

The GOC stepped up the aerial eradication program throughout 1985. Comparison surveys show that marijuana cultivation in the primary northern growing areas had been reduced from an estimated 8,500 hectares in 1983 to 1,300 hectares in 1985, a decline in those areas of 85 percent. The two main growing areas -- the Sierra Nevada de Santa Marta and the Serrania de Perija mountains in northeast Colombia -- have traditionally accounted for an estimated 80-90 percent of total production. Lesser cultivations have been sighted in the Gulf of Uraba area and in the Department of Bolivar and are suspected in other areas. The overall estimate is that post-eradication marijuana production declined 67 percent, from a range of 7500-9000 mt in 1984 to 2500-3000 mt in 1985.

There have been reports that traffickers have reacted to aerial eradication by planting cannabis in lower reaches of canyons, by intercropping with legitimate crops and by expanding cultivations outside of the primary growing areas. Numerous and thorough reconnaissance flights of the primary areas in 1985, however, revealed only negligible amounts of concealment in lower canyon areas or intercropping. The possibility of shifts to the eastern (Venezuelan) side of the Perija range will be investigated jointly with Venezuelan authorities. Colombia has initiated reconnaissance of suspected cultivation in non-primary growing areas and will expand aerial eradication to those areas if cultivations are found. The San Lucas mountains and adjacent areas in which cannabis was suspected were reconnoitered thoroughly in early December 1985, and no cultivations were seen.

The area under cannabis cultivation was estimated at 10,000 to 12,000 hectares in 1984. Aerial eradication and frequent helicopter patrolling have effected a significant reduction in cultivation in the main growing areas. It was apparent from aerial reconnaissance in the first half of 1985 that many growers had abandoned the primary growing areas. Thus, the area cultivated in 1985 dropped to an estimated 8,000 hectares, at least 6,000 of which were eradicated. The remaining 2,000 hectares, which are believed to have escaped spraying, would yield an estimated 2,500 to 3,000 MT of marijuana.

Although marijuana can be and is grown year-round in Colombia when rainfall is sufficient, there are larger harvests in the March through May and September through November periods, with the latter yielding the larger harvest.

Cocaine: While coca leaf production in Colombia increased during the early 1980's, the trend has been reversed over the past two years with the initiation of manual and aerial eradication programs. Up to one-half of the leaf is processed into basuco (coca paste smoked in cigarettes) for consumption in Colombia. The remainder is believed converted to cocaine for export. Colombian cocaine production is heavily dependent on coca paste and base imported from Peru and Bolivia, which is preferred both for quantity and quality. The imported paste and base have higher alkaloid and lower resin contents than found in the product of domestic plants and require lesser quantities of precursor chemicals to process.

There are an estimated 15,500 hectares of coca bushes under cultivation, mostly in the southern and eastern Llanos. Coca leaves usually are processed directly into cocaine base in rudimentary laboratories near the fields. Some of this base, as well as imported base and paste, is transported to Colombia's more sophisticated cocaine laboratories for the conversion to cocaine hydrochloride (HCL). Many of the larger laboratories, located in remote jungle sites, were capable of producing hundred-kilo quantities per day but were destroyed by Colombian police. Smaller laboratories often are found in urban centers throughout Colombia. No viable method has been found to detect the latter.

Once converted to HCL, most large shipments of cocaine are transported by aircraft from laboratories in Colombia to the U.S. either directly or via Caribbean and Central American countries. There are about 50 airstrips in the Llanos cocaine-producing area which are used for clandestine shipments of cocaine, precursor chemicals and laboratory equipment. Trafficking modes and routes are varied.

Colombia was estimated to have refined about 75 percent of the 55 to 76 MT of cocaine reaching the U.S. in 1984. Refining activity within Colombia is believed to have declined during 1985 as a result of the government's crackdown on traffickers, begun in early 1984. Major seizures of cocaine and precursor chemicals during 1984 and 1985, combined with increased lab destruction and controls on internal air and ground transport, have forced some traffickers to shift their cocaine processing facilities outside Colombia. It is estimated that in 1985 Colombia refined about 74 MT which, after internal consumption (3 MT) and seizures by the GOC (10 MT), left 61 MT available for export. Of this an estimated 45 MT was exported to the U.S. (down from 49 MT in 1984).

Cocaine hydrochloride prices in Colombia remained stable over the past year. A kilogram of cocaine sells for about $8,000, down slightly from November 1984 when it was $11,000 and similar to the January 1983 price of $9,000.

Domestic consumption of the coca by-product basuco is a relatively new but rapidly rising form of abuse. Much of this demand is met by domestic coca leaf cultivation; it is estimated that 50 percent of domestically-grown coca is used for basuco. Imported cocaine base is reserved for conversion to cocaine HCL. The United States remains the principal recipient country for cocaine HCL, but increasing quantities are being sent to Europe.

Opium Poppy: Small experimental fields of opium poppy are grown in various departments of Colombia from seeds alleged to be from Mexico, Thailand and other major poppy growing areas. In early 1985 a harvested field of approximately four hectares was discovered by the Colombian National Police. Thirty-five gallons of very low grade opium oil derived from the plants was found nearby. Its chemical makeup indicated a non-traditional, non-commercial product capable of yielding a few grams of heroin. Such experimentation is expected to continue, without significant increases in cultivations. It should be noted that no continuous cultivation has been found.

Trafficking and Producing Organizations and Insurgent Ties: While trafficking in all drugs is controlled by family organizations, there is increasing evidence of trafficker links with political insurgent groups at the local level. The involvement of Colombians in narcotics has broad international scope. In recent years Interpol has assisted in the arrest of thousands of Colombian nationals involved in narcotics trafficking in over 30 countries.

A community of interests appears to exist between the narcotics "mafia" in Colombia and various guerrilla forces This appears to take place primarily at the local level. Since at least the early 1980's, guerrilla units have provided protection to rural coca and marijuana fields, and cocaine laboratories, in return for payments in money and weapons. Units of Revolutionary Armed Forces of Colombia (FARC) -- the largest, oldest and best-trained and equipped subversive group in Colombia -- are believed to be the most active and to receive the largest payments for such services. Basically a rural movement, half of its some 25 to 30 fronts operate in areas where coca and marijuana are cultivated.

The narco-guerrilla connection is a major security concern of the Colombian Government, as is the whole issue of violence related to narcotics trafficking. Indeed, Colombia has seen the most progress on narcotics control of any Latin American country in the last three years, but two of the most violent acts related to narcotics control have occurred there -- the 1984 assassination of Minister of Justice Rodrigo Lara Bonilla, an execution apparently ordered by leading traffickers, and, the storming of the Palace of Justice in 1985, in which at least one motive may have been the destruction of records related to narcotics extradition cases.

The National Police Special Anti-Narcotics Units (SANU) have suffered over 50 deaths and over 100 injuries from 1982-1985 while engaged in interdiction and eradication activities. They have been ambushed on rivers and roads in the Llanos and elsewhere. In an October 1984 raid on a cocaine processing complex in the Llanos a key officer, a helicopter pilot and an army soldier were killed by gunfire. Evidence obtained at the site indicated a significant FARC presence. In May 1985 a FARC unit attacked a SANU truck convoy five minutes from the police headquarters in San Jose del Guaviare. With roads and rivers in remote, drug-producing areas unsafe for patrol or transit, SANU units must employ helicopters and other aircraft to attack cultivations and processing facilities.

A.2. Accomplishments

Eradication: Colombia again met the primary goal of substantially curtailing the amount of marijuana and cocaine trafficked to the U.S. and other countries. Aerial eradication of marijuana resumed in January 1985, but, owing to cultivators' apparent widescale abandonment of traditional growing areas, only 1,884 hectares were sprayed by June 30. Reconnaissance by experienced DEA, NAU and police observers in April and July confirmed this abandonment. A photographic crop survey conducted in late July revealed that eradication had reduced the marijuana crop in primary northern growing areas by 85 percent from 1983 levels.

However, the onset of rain in the Sierra Nevada de Santa Marta in April and in the Perija in March led some growers to resume cultivation. Spraying stepped up sharply from July through September. By December 7,400 gross hectares reportedly were sprayed. This figure is adjusted to a net of 6,000 unique hectares to allow for customary overlapping and multiple spraying sorties over the same fields (some were re-planted three or four times). Trafficking sources claim not to have been substantially affected by spray eradication, and there have been large seizures of marijuana of Colombian origin, which may have been stockpiled; marijuana from other sources may also be transiting Colombia. Nevertheless, analysis of data on ship seizures from U.S. Coast Guard sources indicates that shipments of fresh marijuana from Colombia are down.

Combined manual and aerial eradication of coca cultivation resulted in the destruction of 2,000 hectares in 1985. Also, 10 MT of cocaine and 4 MT of cocaine base were seized. The corresponding 2.5 percent reduction of gross domestic leaf production and 13.5 percent reduction from seizures represents a combined 16 percent reduction of potential production in 1985.

During 1985 Colombia accelerated its quest for a herbicide which would be safe and effective against the hardy coca plants. Back-pack tests on a controlled site proved four herbicides to be effective. The National Council on Dangerous Drugs in May 1985 approved aerial testing and in October the aerial tests proved sufficiently effective to warrant expanded testing.

Interdiction: Colombian forces stepped up their interdiction efforts in 1985. In March the National Police (NP), Army, Air Force and Navy initiated an unprecedented sweep of the Guajira Peninsula and adjacent areas. The task force targeted airstrips, aircraft, boats, traffickers and properties of the latter. A new tactic of airstrip denial by cratering with explosives was used, with 30 airstrips being disabled. A similar, combined forces operation based in Leticia (Amazon area) also cratered 22 airstrips used by aircraft carrying coca products from Bolivia and Peru. In the latter half of 1985 NP helicopters and personnel joined with Ecuadoran and Peruvian enforcement personnel in joint raids on cocaine labs and airstrips in border areas of those countries. Major caches and large labs were destroyed in these raids. A series of raids were made on properties used by Carlos Lehder in his drug operations, one of which netted 355 kilograms of cocaine, $1.7 million in cash, numerous weapons and radio equipment. Interdiction and eradication capabilities were enhanced by the arrival in late 1985 of six of seven helicopters purchased by Colombia for incorporation into the narcotics control program. The NP airwing was further augmented with the addition of a Cessna 441, a Beechcraft C-99, a second Twin Otter, and a Cessna 152 trainer. Two Ayres Turbo Thrush spray aircraft were due in early 1986.

The ability of NP SANU units to employ added resources is apparent from their rapid deployment in task forces to new, advanced locations. The favorable results are reflected in the following enforcement statistics (see also table A-1; labs figures are all 1985; other data are April 1 - November 15, 1985):

Cocaine labs destroyed	725
Weapons	280
Radios	109
Vehicles	167
Aircraft	21
Gasoline (Gal.)	132,407
Ether (Gal.)	67,368
Acetone (Gal.)	39,057
Acid (Gal.)	15,200
Sodium Carbonate (KG)	70,108

Other Objectives Achieved: U.S.-Colombian cooperation under the extradition treaty progressed. The U.S. has submitted to the Government of Colombia 105 provisional arrest requests and 72 extradition requests since 1983. Twelve individuals have been extradited to the United States.

The GOC has either signed new bilateral drug control agreements or reactivated old ones with Venezuela, Ecuador, Peru, Brazil, the Dominican Republic and Honduras. Many of the agreements established mixed commissions which meet periodically to consider new control measures.

Colombia is taking the lead in implementing a regional telecommunications and information network which will enhance regional enforcement. Officers from Bolivia, Colombia, Ecuador, Peru and Venezuela met in Bogota in October to establish operating procedures for the system which will be installed in early 1986.

A.3. Goals and Objectives of U.S. Country Plan for Narcotics Control

Primary Goal: To curtail substantially the amount of marijuana and cocaine reaching the U.S. by disrupting the production and processing of these drugs and their shipment to the U.S. and other countries.

Objective One: Develop a comprehensive eradication project to destroy marijuana and coca cultivations by the application of herbicides, aerially where feasible. Aerial eradication of cannabis cultivation began on July 5, 1984, and by mid-1985 had reduced cultivation by about 85 percent in the primary growing areas. Colombia committed itself in 1984 to shift from manual to chemical eradication of coca cultivation. In 1985 it established an intensive testing program. A technical team was established, comprised of an agrologist, agronomist, botanist-ecologist and herbicide experts. Formal testing began in March 1985. On May 7, 1985, the National Council of Dangerous Drugs directed the NP to expand the tests to include 50 hectares to be sprayed aerially. Those tests were reviewed by senior U.S. drug control officials in September and October 1985, and the results were determined to be sufficiently favorable to warrant initiation of expanded aerial eradication. Plans call for further expansion of chemical eradication of coca in 1986 by means of aerial and back-pack application of herbicides in the main growing areas.

Objective Two: Improve the effectiveness of interdiction by intensifying efforts to stop the entry of coca paste and base and precursor chemicals into Colombia, to locate and destroy cocaine laboratories and to locate and destroy marijuana prepared for shipment from fields and transit points. The NP has joined with neighboring countries in patrolling and interdicting border areas with considerable success. Having attacked most known labs and transit sites in areas of the country where insurgent activity is low, the police will need to prepare to raid targets during 1986 likely to be protected by guerrilla units. Interdiction at such sites will require heavier armor and defensive weapons on helicopters and reinforcement of police units by the Armed Forces of Colombia. The construction of additional advance bases in these areas and the procurement of air-transportable bases are planned when FY 1986 funding become available.

Objective Three: Through diplomatic initiatives, media relations and other public affairs activities promote a greater understanding among public opinion leaders and GOC decision-makers of the USG commitment and the need for increased GOC resolve in halting international drug trafficking. While this objective has been largely achieved, the U.S. continues to carry out these activities as necessary to maintain an awareness that combatting illicit drug production and trafficking is in their interest as well as ours.

Secondary Goal: To promote greater effectiveness in the Colombian judicial system for the apprehension, prosecution and conviction of principals engaged in drug production, trafficking and financing activity.

Objective One: Encourage Colombia to abide by its obligations under the U.S.-Colombian Extradition Treaty and to ratify the Mutual Legal Assistance Treaty. The extradition treaty is now being implemented. However, the legal assistance treaty which was ratified by the Colombian Senate has been pending in the House of Representatives for more than a year.

Objective Two: Encourage Colombian efforts to strengthen its penal code and code of criminal procedures. Colombia has been studying reform of the penal code to modernize its cumbersome penal procedures and to establish a judicial career service with criteria for judicial appointment and standards of professional conduct. A new drug law was enacted in January, 1986.

Tertiary Goal: Assist the Colombian Government and private groups to develop meaningful drug abuse awareness and demand reduction programs. Progress toward this goal is being realized under the project agreement with the Colombian Institute of Family Welfare, and with private groups.

A.4. Adequacy of Legal and Law Enforcement Measures

Legal Environment: Colombia's national drug law, Decree 1188 of 1974, remains the basis for its control of both licit and illicit drugs. In 1984 the GOC presented to the Colombian Congress a major revision of this law. The new statute passed at the end of 1985 provides that fines go to a rehabilitation fund, that public news media promote anti-drug abuse campaigns free of charge, and that a national drug addiction campaign be undertaken, including the creation of civic committees to combat the production and consumption of illicit drugs.

Colombia continues to encounter problems which limit the effectiveness of its actions against drug traffickers. Convictions are frequently difficult to obtain. The rules for collecting and processing of evidence, as well as the legal norms governing the admissibility of physical and testimonial evidence, are extremely rigorous. Corruption, intimidation and assassination are employed by drug dealers to thwart the work of Colombian police and judicial officials. Murders of police officers are common in Colombia.

Colombian civil and administrative laws also make it difficult to prosecute many of the activities which are associated with the traffic in narcotics, such as money laundering. The GOC is aware of the limitations of its laws governing money transactions and has begun to study legal means to allow the GOC to investigate and control such illegal earnings.

Extradition Treaty: The U.S. Colombian Extradition Treaty entered into force on March 4, 1982. The treaty is significant in that it permits extradition to the United States of Colombian nationals who conspire to commit crimes which are consummated in the United States. Under the treaty, persons in Colombia who oversee production and export of narcotics to the United States can be as liable to extradition and prosecution as those who import and sell narcotics in the United States itself. While the treaty has been controversial in Colombia, the Colombian Government has processed U.S. requests and extradited Colombian citizens as well as non-citizens to the United States.

International Cooperation: Colombia has actively promoted international cooperation in narcotics control during 1985. The Ministry of Justice and NP have met periodically with officials of neighboring and other hemisphere countries to draft and implement control agreements. In these meetings and agreements the GOC has promoted criteria for the control of drug abuse, mechanisms for surveillance, border controls, internal control of production, possession and sale of precursor chemicals, checks on sea, land and air transport, and information-sharing of extraditable and suspect travellers, studies on extradition, means to secure technical and financial assistance, adoption of laws to control money laundering and other measures.

Agencies Involved in Narcotics Control:

1. The Colombian National Police (NP) was designated in 1980 as the primary narcotics enforcement agency. It comprises a paramilitary force of about 75,000 having countrywide security responsibility. It is organized under the Ministry of Defense for command control and budget purposes, and is headed by a Major General. He holds the same rank as the commander of the Army, Navy and Air Force.

2. When the NP was designated as the primary narcotics enforcement agency, it established a Special Anti-Narcotics Unit (SANU). SANU is the principal NP drug control agency with which the Embassy cooperates in interdiction and eradication activities. It is led by a Colonel and comprises about 1,400 personnel, about 100 of whom are officers. Twelve SANU companies and eleven intelligence units are located in 16 cities and grouped under four zone commands. SANU units conducted spray testing in mid-1984, carry out the present aerial eradication program and take the lead in raids on cocaine laboratories.

3. The F-2 unit is the plain-clothes investigative arm of the NP, consisting of about 6,000 personnel nationwide. The F-2 has a hand-picked, 54-agent anti-narcotics unit, headed by a captain. It handles complex narcotics investigations and significant targets.

4. The Judicial Police Anti-Narcotics Unit, consisting of about 30 persons, was organized in the Judicial Police Force in 1978 to concentrate on narcotics investigations. It was initially highly effective, but following the change of presidential administration in 1982, it never experienced the planned expansion of personnel, funding and support.

5. The Department of Administrative Security (DAS) is a special investigative unit reporting directly to the Office of the President. It has enforcement authority in narcotics matters and has been active in drug law enforcement in varying degrees.

6. A narcotics section consisting of a chief, a security analyst, and 13 agents was created in Colombian Customs in 1972. It is one of four special sections dealing with investigations, fraud, intelligence and contraband in the Customs Directorate Division of Special Investigations. The Directorate has about 5,000 personnel deployed in 18 districts and 22 ports of entry, who routinely watch for drug shipments. Neither the narcotics section nor the Directorate have been notably successful in interdicting narcotics trafficking.

A.5. Domestic Abuse Problem

Some Colombian treatment experts believe that the drug abuse problem may have peaked. The full dimensions of the problem should become clearer after the Ministry of Health releases the results of its epidemiological survey, expected in mid-1986. An important indicator of the seriousness of the problem has been Colombia's increasing recognition of it and the rapidity of the public counterattack against drug abuse. In 1985 the media focused on basuco abuse and on the health hazards of drug abuse. Government entities have acknowledged the seriousness of the situation and have confronted the domestic drug abuse problem.

The reasons cited for this suggested levelling of the problem, which had been growing at a sharp rate, include a sense that the message from various nationwide media programs has been getting through. In 1985 the anti-drug message ("Say no to drugs") could be seen on posters, on shopping bags, on radio and on television.

The Colombian First Lady's Office and the Colombian Institute of Family Welfare (ICBF) are spearheading these major campaigns on the danger and treatment of drug abuse in Colombia. Aided by a $200,000 program agreement with the U.S. and multi-million dollar agreements with UNFDAC, the First Lady's Office and ICBF have mounted national conferences, started an information center and developed an anti-drug media campaign.

Despite some positive indications, the situation remains critical. Lack of funds, resources and coordination still hamper anti-drug abuse programs. The Ministry of Health maintains that there are over 500,000 basuco addicts in Colombia. While the Ministry of Health still directs and establishes some programs, the momentum in the fight against drug abuse in 1985 has been with the Colombian Institute for Family Welfare (ICBF). National policy planning and program guidelines are now being developed by the ICBF which reports directly to the Presidency and to the First Lady's Office.

B.1. Nature of Illicit Drug Production Problem

Marijuana and coca have long been cultivated in Colombia. The refining of cocaine and the cultivation of marijuana grew in pace with U.S. demand in the 1970's and 1980's. The country's strategic location, well-developed sea and air transport links and long-established patterns of smuggling fostered rapid growth of narcotics trafficking. Eradication reduced cultivation in the traditional northern growing areas by 85 percent in just two years. Of the estimated 2,500 to 3,000 MT of remaining production, 1,000 MT were seized. Consumption within Colombia is estimated at about 150 MT.

Coca cultivation grew in the late 1970's in response to rising U.S. demand and to a desire by Colombian traffickers for greater vertical integration of the trade from cultivation to wholesale marketing. However, the domestic coca yielded a less desirable product than Peruvian or Bolivian leaf and required greater amounts of expensive precursor chemicals to produce pure cocaine. The equivalent of 19 MT of cocaine base is derived from Colombia's coca crop; about 10.3 MT is consumed (as paste or base, primarily as basuco), and 6 MT is refined into cocaine. Approximately 4 MT of the base equivalent from Colombian leaf was seized in 1984.

B.2. Climatic, Geographic, Political, Economic and Social Factors Affecting Production

Climate: Colombia's climate neither favors nor prejudices the cultivation of cannabis and coca. Cannabis grows in the mountains of northeastern Colombia between 3,000 and 7,000 feet altitude. It also grows well at lower elevations across northern Colombia. Thousands of hectares of coca have been planted in the jungles of southeastern Colombia. However, Colombian coca leaf yields lower quality cocaine than Andean leaf and does not compete well with Andean leaf.

Geographic: Extensive rugged mountain ranges and jungles provide isolated locations for marijuana and coca plantations as well as clandestine airstrips and cocaine laboratories. The poverty of the topsoil in both the mountains and the jungles is an asset to growers, since they do not have to compete with legitimate agriculture in those areas.

Political: Colombia has many regions virtually isolated by poor communications, lack of roads, difficult and unhealthy climate, and a tradition of rural violence. The GOC has itself observed, in preparing a National Rehabilitation Plan, that large areas of the country have never been under effective control of Bogota. This tradition of local autonomy, particularly in the eastern and southern plains and in certain remote mountain valleys, has become a significant factor in international affairs only since the advent of large scale drug cultivation and processing in Colombia in the 1970's. Government police and military forces are professional, but are constrained by the vast distances to be covered and by lack of adequate helicopter mobility. Moreover, when GOC forces are able to reach an area heavily infested with narcotics activity, they are sometimes constrained from aggressive action by the guerrillas, who provide paid protection to the traffickers.

Colombian decision makers have become alarmed that drug trafficking is seriously endangering the nation's security as well as its economic and social interests. Narcotics was not an important issue in the 1982 presidential election campaigns, but is now among the most important items on the political agenda. Colombia's leaders would like to change the country's image as a center of drug production and trafficking. The public health implications of the domestic narcotics problem also have become more obvious and are of serious concern to the country's leaders and society at large. The economic power of the traffickers and their disregard for the legal and judicial system is likewise of concern to responsible members of Colombian society and to national leaders. The Armed Forces are particularly concerned about the cooperation which has developed between drug traffickers and guerrilla groups, which receive weapons and money in exchange for protecting or cultivating drug crops.

Economic: Narcotics production and export remain an important element of the Colombian economy although trade patterns are shifting. The total value of marijuana/cocaine production for 1985 is estimated at $775 million or 2.7 percent of Colombia's GDP. This percentage increased from 1983 (1 percent) but does not approach the level of 1980 when the production accounted for an estimated 4.8 percent of GDP.

The value of narcotics exports in 1985 was almost 30 percent of the value of Colombia's legitimate exports. However, much of this income from the narcotics trade reportedly remained in the hands of the international traffickers and U.S. distributors. It is estimated that 25 percent of the retail value of marijuana accrued to the Colombian producers, in contrast to only 4.6 percent of the value of cocaine sales.

The pattern of trade continues to shift toward cocaine and away from marijuana, in part as a result of the Colombian Government's eradication/interdiction efforts. In 1977, marijuana represented 77 percent of Colombia's narcotics exports and cocaine 23 percent, comparing dollar values. By 1985, it was estimated that cocaine accounted for 93 percent of narcotics exports and marijuana only 7 percent, again based on dollar values.

Social and Media: The major social factor influencing drug crop production in Colombia is that the production of marijuana and cocaine is not universally viewed as a criminal activity. Some of the more notorious traffickers have successfully portrayed themselves as latter-day Robin Hoods. Many Colombians may still not believe that drug trafficking is an especially harmful enterprise and continue to view it as generating significant employment and income for the country. However, the public attitude toward drug traffickers, especially among more educated people, has become less tolerant, particularly since the assassination by traffickers of Justice Minister Rodrigo Lara Bonilla in 1984.

Public attitudes against drug abuse and narcotics trafficking appear to have hardened in 1985. Although there may be some sentiment in favor of narcotics trafficking, the general attitude seems to be one of condemnation of these activities. This change in public opinion is directly related to media coverage of the problem. The nation's print and broadcast media do not hesitate to discuss links between narcotics traffickers and subversive elements in Colombia, subject which only a year ago provoked controversy. Th connection is now commonly accepted as fact. Similarly, th media -- and public opinion -- increasingly are focusin attention on the problem of domestic drug abuse, portraying an problem as a major health concern that could reach epidemi proportions.

Full coverage not only keeps the public eye on the problem, but also helps maintain pressure on the government to continue its efforts. Colombians now take a justifiable pride in the fact that their nation's anti-drug programs have borne fruit, and they are pleased that the country has been recognized for its "model" efforts. This public pride will encourage the Colombian Government to maintain its strong stance vis-a-vis narcotics production and trafficking.

B.3. Maximum Achievable Reduction

General: The Government of Colombia continues to show its commitment to the elimination of illicit narcotics production and trafficking within Colombia and the region, and to the prosecution of persons involved in this illicit activity. Colombia has demonstrated this commitment by its vigorous implementation of chemical eradication and interdiction programs through 1985. It appears certain that this commitment will continue through 1986.

Marijuana: Aviation resources and personnel and advance base facilities available in 1985 were sufficient for aerial eradication in primary growing areas, for coca test spraying, and for limited narcotics interdiction. The arrival of additional spray, transport and rotary-wing aircraft in the last quarter of 1985 will provide greater interdiction capability and permit expansion of marijuana spraying to secondary growing areas.

The accompanying tables reflect a maximum achievable reduction (MAR) of 6,000 hectares of marijuana (7,500 to 9,000 MT) in 1985 (75 percent of gross potential production). It is assumed that growers will attempt new cultivation on new plots or renewed planting on the sprayed plots to the extent of half of the area eradicated in 1985. Thus, about 5,000 hectares may be cultivated in 1986, of which 4,500 hectares would be sprayed, a maximum achievable reduction of 90 percent.

Coca: Colombia took steps as early as mid-1984 to develop a chemical eradication program against coca. It was motivated largely by its recognition of the existence of a serious basuco abuse problem. The GOC devoted personnel and equipment full time to testing herbicides in early 1985, and in November 1985 decided to proceed with expanded aerial testing to 1,000 hectares. Sufficient aerial resources were available in December to allow chemical eradication of coca to expand to a full-scale program in 1986.

Last year's INCSR projected a maximum achievable reduction of 6,000 hectares for 1985. This was not possible due to the difficulties in identifying a herbicide that would be effective against coca, the time required for the effects of spraying to be fully assessed, and cultivator interference with tests. One thousand hectares were eradicated aerially in December 1985. Another 1,000 hectares were eradicated manually during the year. Thus, the 1985 reduction is estimated at 2,000 hectares, or 13 percent of the area cultivated. About 1,500 hectares of the area eradicated should remain out of production in 1986, leaving 14,000 hectares under cultivation. The MAR for 1986 is set at 10,000 hectares, or about 71 percent of cultivated area; and it is estimated that half of this would remain out of production.

B.4. Methodology

Data on narcotics production and trafficking in Colombia are very limited but are improving through surveys. Eradication and seizure data are generally reliable because they are subject to quantification. Colombian officials with whom the data have been discussed concur with the estimates. Computation and conversion factors used are as follows:

Marijuana: One hectare yields between 1.25-1.5 MT/year.
Coca: One hectare yields about 800 kilograms of leaf/year; 500 kilograms of leaf will yield about 1 kilogram of cocaine.

C.1. Statistical Tables

A. Summary Tables

Coca/cocaine (in MT except as noted)

	1985	1986
Hectares cultivated	15,500	14,000
Hectares eradicated	2,000	10,000
Hectares harvested	13,500	4,000
Coca leaf	10,800	3,200
loss factor (5%)	540	160
Net Yield mt leaf	10,260	3,040
Coca leaf seized	212	70
Coca leaf consumed	500	400
Converted to cocaine base	9,548	2,570
Cocaine base yield (500:1)	19	5
Base consumed in country	10	5
Base seized	3	-
Colombian base available	6	0
Base/paste imported	80	70
Base/paste available for conversion	86	70
Cocaine HCL produced	74	63
Cocaine consumed in country	3	3
Cocaine seized in country	10	10
Available for export	61	50
Export to U.S.	45	40
Export elsewhere	16	10

Marijuana (in MT except as noted)

	1985	1986
Hectares cultivated	8,000	5,000
Hectares eradicated	6,000	4,500
Hectares harvested	2,000	500
Cannabis yield	2,500-3,000	625-750
Loss factor (one percent)	25 - 30	6.25 - 7.5
Seized in country	1,000	200
Converted to hashish	none	none
Marijuana consumed in country	150	100
Marijuana export USA	1,300-1,795	309-432
Marijuana exported elsewhere	25	10

B. Data Tables

GROSS CULTIVATION:	1987	1986	1985	1984	1983
Coca Leaf	8,000	14,000	15,500	17,000	16,000
Cannabis	3,000	5,000	8,000	10,000	9,400

GROSS POTENTIAL (Equivalent in metric tons)					
Coca Leaf	6,400	11,200	12,400	13,600	12,800
Cannabis (range)	3,750 - 4,500	6,250 - 7,500	10,000 - 12,000	12,500 - 15,000	12,500 - 15,000
HECTARES ERADICATED					
Coca Leaf	5,000	10,000	2,000	2,400	1,981
Cannabis	2,500	4,000	6,000	4,000	1,048
CROPS ERADICATED (metric tons)					
Coca Leaf	4,000	8,000	1,600	1,920	1,585
Cannabis (range)	3,125 - 3,250	5,000 - 6,000	7,500 - 9,000	5,000 - 6,000	1,310 - 1,572
NET PRODUCTION (Metric Tons)					
Coca Leaf	1,400	3,200	10,800	11,080	11,215
Cannabis	500	1,000	2,500 3,000	7,500 9,000	11,200 13,400
REFINING (metric tons)					
Domestic cocaine base	2	5	19	21.2	22.4
Imported cocaine base	60	70	80	100	100
Cocaine produced	54	63	74	98.9	104.9
SEIZURES (MT)					
Cocaine	10	10	10	22	2.5
Marijuana	150	200	1,000	2,870	3,934
Methaqualone	N/A	N/A	N/A	500,448	2,229
ARRESTS					
Nationals	2,000	2,000	2,500	3,140	1,115
Foreigners	unk	unk	unk	unk	unk
LABS DESTROYED					
Cocaine	200	250	725	275	113
DOMESTIC CONSUMPTION					
Coca	400	500	500	500	500
Cocaine	3	3	3	3	3
Basuco	4	4	6.6	10.3	10
Marijuana	50	100	100	150	200

OTHER DRUGS (in 000'S of units)					
Amphetamine	800	800	1,000	1,200	1,197
Opiates	200	200	250	300	324
Barbiturates	100	100	125	150	153
Other Hallucinogens and tranquilizers	800	900	1,100	1,300	1,306

Licit Production N/A

Users of drugs: UNFDAC-funded epidemiological survey results not yet available. No viable estimates possible.

PART D: United States Assistance to Colombia

The bulk of U.S. economic assistance to Colombia is in the form of Export-Import Bank credits and CCC guarantees. CCC credit guarantees, which support U.S. exports, were first approved in FY 1984. EXIM Bank credits were dramatically increased with the approval in FY 1983 of a $552 million credit to support exports of U.S. equipment for a large coal mining project in northern Colombia in which a U.S. company has a 50 percent share. The IBRD and IDB have long been Colombia's most important sources of development financing. The U.S. bilateral development aid program was phased out in the late 1970s.

The U.S. provides a small amount of assistance for the control of hoof and mouth disease of cattle and residual amounts in population control training and a variety of small Washington-funded development programs. The latter project was funded by AID with $4.1 million in FY 1984 and just under $4 in FY 1985. See Appendix.

PART E

Analysis of Additional US Assistance Required to Achieve Estimated Crop Reduction

Level 1: To achieve the estimated levels of maximum achievable reduction (MAR) indicated in the accompanying tables (Part C) in marijuana and coca cultivation and cocaine during 1986, the $10.6 million funding level authorized for FY 1986 will be required (U.S. $9.75 million, which will be incorporated in a project agreement with the National Police). Those estimates were based on assumptions that full-scale spraying will proceed against cannabis in all significant producing areas and that aerial coca spraying is initiated on an expanded test scale in December 1985 and soon thereafter expanded to a large-scale operation.

The planned funding level of $10.6 million for 1986, upon which estimates in the tables in Part C are based, would be essential for achieving those MARs. It is probable that as major inroads against illicit drug cultivation are achieved in 1985 and drug prices move upward, growers and producers will devise more ingenious ways to avoid detection. Therefore, SANU also will need to expand and raise the sophistication of its operations countrywide.

Present plans include the construction or improvement of small airbases at five strategic locations, at Valledupar, San Jose del Guaviare, Leticia, Apartado and perhaps at a southwestern site during 1986. Three or four aircraft would be stationed at each base to permit more effective and economical operations. Through 1985 aircraft and other equipment have been sufficient for periodic reconnaissance, lab raids, and interdiction, eradication and training operations. The arrival of additional aircraft in late 1985 will permit more of these operations to be conducted simultaneously. An important priority will be intercepting coca base shipments from Bolivia and Peru and precursor chemical shipments from Brazil and elsewhere along Colombia's borders. The increased mobility at key forward areas of the country will enable SANU to increase pressure on producers and traffickers and to maintain it with greater continuity.

Level II - Possible increased resources: The availability of additional resources could make it possible to achieve more effective, complete and timely narcotics control in Colombia. First, it could be utilized to procure two or more additional spray aircraft which would permit earlier and more complete chemical eradication of both cannabis and coca well before harvest. In the case of cannabis, it is especially important that it be located and sprayed before maturity (and harvest). A 10 percent increase in funding for this purpose could yield a 20 percent increase in the effectiveness of eradication.

Second, and of greater importance is the need for resources to apply to the interdiction of cocaine base/paste arriving from Bolivia and Peru and to the elimination of its processing into cocaine and shipment to the U.S. Colombia does not have the capability to detect and react to this substantial illicit activity. The most immediate requirements are personnel, equipment and funds to sustain their operations. They include detection equipment (such as radar and sophisticated aerial reconnaissance equipment), air transport for a rapid deployment force of up to sixty armed men and armor and armament for the security of the reaction force. It is not recommended that major items of equipment (aircraft and radar) be purchased in 1986. Leasing or temporary loan might be considered in 1986 if needed. Increasingly, traffickers are locating processing and transit sites in high insurrection areas, requiring greater defensive armor and arms for raiding forces. The sooner a reaction force is established and equipped, the sooner stepped-up interdiction can begin--before the trend toward close association between narcotics traffickers and guerrillas becomes more advanced. A minimum of $10 million would be required for an enhancement of SANU for this purpose. Perhaps half of the cocaine now processed in Colombia could be interdicted with this degree of additional funding.

COSTA RICA

A.1. Status of Narcotics Production and Trafficking

A significant amount of marijuana is grown in Costa Rica, and the country is regularly traversed by Colombians and others transporting cocaine to the United States. Other drugs are not seen in the country on a regular basis.

Precursor chemicals used for cocaine processing have been seized on occasion in Costa Rica, which suggests some small-scale refining may take place. However, the primary cocaine-related problem is transportation of the drug from South America to the United States. Although below the 1983 level, cocaine seizures in 1985 were up from 1984 and are expected to continue to increase in 1986 and 1987. Eight metric tons of cocaine were estimated to transit Costa Rica in 1985. Most cocaine is transported through Costa Rica in bulk in private planes, although a large number of couriers also transit the country's international airport carrying between one-half and two kilos on their person or in their luggage. Some shipments are also transported by sea.

Cannabis is cultivated in most areas of the country, but cultivation is focused in the Atlantic coast Limon province, with secondary growing areas reported in the Pacific coast provinces of Puntarenas and Guanacaste. Although cannabis cultivation levels are estimated to have remained relatively constant from 1984 to 1985, net yield declined slightly due to increased eradication totals. In-country processing of marijuana is rudimentary; no balers or other equipment are used. Exports are sent by sea, air, and land, although it is estimated that sea shipments are the most heavily used means of transport. There are no reliable figures regarding the amount exported to the U.S., but local officials believe about 75% of the marijuana is exported, based on their estimate of domestic consumption.

Few Costa Ricans are involved in cocaine trafficking -- which is dominated by Colombians, Cuban-Americans, other U.S. citizens, and Venezuelans. Entry into the marijuana trade, however, is much easier and cheaper than is the case regarding cocaine. For that reason, it is likely that more Costa Ricans have become involved as marijuana traffickers, although Colombians and Cuban-Americans remain the biggest players in this trade.

A.2. Accomplishments in 1985

Marijuana eradication operations undertaken by the Costa Rican Rural Guard increased in 1985, with eradication operations throughout the country, compared to the focus on Limon province in 1984. Total marijuana eradicated was estimated to be 45 hectares (56 metric tons) in 1985, continuing the annual increase in eradication levels since 1983.

Marijuana seizures tripled sharply in 1985 to a total 977 kilos. Seizures totaled 306 kilos in 1984 up from only 19 kilos in 1983. Cocaine seizures increased slightly in 1985 to a total 141 kilos, compared to 137 kilos in 1984. Increases in both eradication and seizure totals reflect a continuing high degree of attention given to narcotics by the country's police forces.

Possibly the most significant narcotics law enforcement event in Costa Rica during 1985 was the arrest and expulsion of Mexican narcotics trafficker Rafael Caro Quintero. Caro fled to Costa Rica following the February murder of DEA agent Enrique Camarena in Mexico, and had purchased four luxurious homes in the San Jose area without the knowledge of authorities. Upon learning of his presence in country, Costa Rican police acted promptly and efficiently to arrest Caro and expel him to Mexico.

A.3. Plan, Programs, and Timetables

The various law enforcement agencies operate under standing orders to seek out and block drug production and trafficking. Although the agencies carry out this responsibility with enthusiasm, resource limitations have made it impossible to form any sort of "combined general staff"; comprehensive development of multi-agency plans and programs has therefore been limited.

Law enforcement operations in 1986 will be supplemented by a new aerial surveillance program, utilizing an aircraft once used by cocaine traffickers and subsequently confiscated by Costa Rican authorities. The aircraft, rehabilitated with INM funds, will be dedicated solely to drug control operations. Plans call for the Drug Control Department of the Ministry of Public Security to divide the country into several zones for planning aerial surveillance, and subsequent on-the-ground follow-up, operations.

The National Institute of Alcoholism (INSA) plans a first time nationwide survey on the use of alcohol and drugs, according to the INSA director. The data generated by the survey should greatly help government authorities to define the extent of domestic drug problems, and plan appropriate control activities.

In November, 1985, the Legislative Commission of the national assembly accepted recommendations for modifying drug-related legislation. The press and a number of politicians have called for more stringent drug laws; national debate on the subject can be expected to continue in 1986.

A.4. Adequacy of Legal and Law Enforcement Efforts

The legal and law enforcement measures taken by various agencies evidence a strong desire by the government to control drug production and trafficking; however, the government's ability to control drug trafficking is limited by resource constraints. The Rural Assistance Guard (GAR), for example, has only 4,500 personnel spread throughout the country in small outposts in the equivalents of U.S. county seats. These outposts generally lack the transportation and communications necessary to learn of aircraft stopovers in remote areas and react promptly.

Costa Rica has in place the basic legal framework necessary to carry out law enforcement efforts against drug producers and traffickers. Current legislation includes authorization for the government to confiscate property used by traffickers in the commission of crimes, which has begun to be utilized by the government more frequently in recent months. Costa Rica has a respected and independent judiciary which regularly hears drug cases with no indications of bribery or intimidation. There is substantial public concern over sentencing; this concern has been reflected in the legislative and executive branches of the government.

Oversight of Costa Rican narcotics control programs is vested in the Vice President's office, although day-to-day operations are carried out by several different law enforcement organizations. The primary enforcement agencies are the Ministry of Public Security's Drug Control Department (DCD) with 85 agents, the Civil Guard, the Customs Service of the Ministry of Finance, and the Ministry of Government's Rural Assistance Guard (GAR), but coordination among the various agencies involved is difficult. Despite resource contraints all agencies carry out narcotics control responsibilities with enthusiasm. Corruption has not been a major problem to date, although as elsewhere it is likely that low-level police officers are bribed on occasion to ignore the activities of traffickers. It does not appear, however, that traffickers have been able to suborn the upper levels of the police.

Relations between the San Jose DEA office and Costa Rican agencies are excellent. In addition, the U.S. is able to extradite traffickers wanted in the U.S. under an existing treaty. Two fugitives wanted on drug charges were extradited in 1985. A new treaty designed to improve the process has been negotiated, but has not yet been ratified by Costa Rica.

A.5. Drug Abuse Prevention and Treatment

Costa Rican drug abuse prevention and treatment programs are in their formative stages, and there is debate within the government on how best to proceed in this area. The prevention programs that have been carried out by the Ministry of Government have been in the form of public awareness campaigns.

The primary drug treatment program in-country is the "hogar crea" (creative home) effort, to which First Lady Doris Yankelowitz de Monge, who attended the October 1985 First Ladies Conference, has lent her public support. The approach, utilizing a Puerto Rican concept, is based on the premise that drug abusers lack order and discipline in their personal lives. This voluntary program seeks to return drug abusers to a life-style in which drugs are not a required prop, utilizing half-way homes staffed by former drug abusers. There is currently one home in Cartago, with plans to open others in the coming year.

B.1. Nature of Illicit Drug Production

Costa Rica's involvement in the production of illicit drugs is basically limited to the cultivation of marijuana. No sophisticated baling or packing techniques -- generally associated with large scale exports -- have been observed. Marijuana use is traditional in many parts of Costa Rica, especially Limon. No comprehensive studies have been done on the level of domestic consumption. In remote areas in Limon Province, marijuana is a principal cash crop for a number of small producers.

B.2 Factors that Affect Production

Costa Rica's climate and geography are well suited to cannabis cultivation. Two crops can be grown each year, but irrigation is required in the dry season in the west coast regions. Most of the population lives in areas removed from the principal cannabis cultivation regions; however, transportation and communications systems are developed to the extent that producers have adequate farm-to-market roads.

Economic malaise has favored marijuana production by enticing campesinos to enter the lucrative drug trade as a way to support their families. Costa Rican social mores, derived from an open and tolerant society, do little to stem marijuana production. However, Costa Rica enjoys a tradition of democracy, which works to support law enforcement efforts to control drug trafficking. Public consciousness, encouraged by government and private institutional efforts, is high, and editorials and articles supporting police actions against traffickers routinely appear in the media.

B.3. Maximum Achievable Reductions

The Costa Rican Government is determined to achieve the maximum reduction of marijuana production possible given the resources available to it. This aggressive control strategy resulted in the eradication of about 45 hectares in 1985, which is presumed to be about one-third of the marijuana cultivated in Costa Rica in 1985. The high level of police interest in marijuana eradication suggests that small increases in the percentage of the crop that is eradicated might be achieved in coming years.

B.4. Methodology

Many of the statistics included in this report, for example, the number of persons arrested, amount of cocaine seized, etc., are official and reliable. On the other hand, such figures as the extent of cultivation and the degree to which the populace engages in illegal activity are only estimates based on consultation with Costa Rican law enforcement officials and agents assigned to the DEA office in San Jose. They are the best information available.

C.1. Statistical Tables

Marijuana	1985	1986
HA Cultivated	136	139
HA Eradicated	45	46
HA Harvested	91	93
Gross Yield (1.25 MT/HA)	114	116
Loss Factor (MT) (5%)	6	6
MT Seized	1	1
MT Consumed in country	25	25
MT Exported to U.S.	82	84

Data Table

	1987	1986	1985	1984	1983
GROSS					CULTIVATION:
Cannabis (HA)	142	139	136	133	130
GROSS POTENTIAL PRODUCTION:					
Cannabis (MT)	180	174	170	166	162
HECTARES ERADICATED:					
Cannabis	47	46	45	34	1
CROPS ERADICATED:					
Cannabis (MT)	60	58	56	42	1
ACTUAL YIELD	120	116	114	124	161
LOSS FACTOR(MT)	6	6	6	6	8
NET PRODUCTION:					
Cannabis (MT)	114	109	107	118	153
SEIZURES:					
Cocaine (K)	155	146	141	137	388
Marijuana (K)	1,077	1,026	977	306	19
ARRESTS:					
Nationals	1,103	1,050	1,000	315	190
Foreigners	66	63	60	15	15

Note: 1983 and 1984 estimates have been revised.

LABS DESTROYED:					
All	1	1	0	1	1
DOMESTIC CONSUMPTION:					
Cocaine (K)	12.5	12.5	12.5	12.5	12.5
Marijuana (MT)	25	25	25	25	25

PART D

See Appendix.

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CUBA

A.1. Status of Illicit Narcotics Production and Trafficking

Cuba stands athwart some of the primary illicit drug routes into the United States. There has been evidence in the past that Cuban authorities have used this strategic location to promote their subversive activities in third countries and to weaken the United States.

Witnesses at Congressional hearings since 1982 have testified to official Cuban involvement in drug trafficking. The best evidence of such involvement was brought out in the November 1982 indictment in Miami of four high-ranking Cuban officials. Among those indicted were two members of the Central Committee of the Cuban Communist Party, as well as a former ambassador and his deputy. The witnesses said that the Cuban Government used drugs to acquire hard currency and to subvert Latin American governments friendly to the United States. They also asserted that the present Cuban regime sought to promote drug use in the United States to weaken it and reduce its ability to inhibit Cuba's plans to expand its influence in the hemisphere.

Cuban authorities, seriously embarrassed by these revelations, have repeatedly denied official or indeed any Cuban involvement in such activities. In an interview first published in full form in November 1985, Fidel Castro claimed that on the drug issue, "Cuba has an unimpeachable record in the past 26 years (i.e., since the revolution). First because in our country, where once there was drug use, production and trafficking, the first thing we did was eradicate the problem. Rigorous measures were taken to do away with marijuana cultivation, and, in addition, to prosecute all forms of drug trafficking and production. Second (since the revolution), I know of not one case in which a (Cuban) official has been involved in the drug business, not one single case." However, the indictments of Cuban officials, noted in the previous paragraph, put the lie to Castro's claim that Cuban officials have never been involved with narcotics traffickers.

Cuban authorities condemn the drug problem as an affliction of the capitalist world, particularly the United States, and boast, as noted above, that it has been solved in Cuba. Publicly available information reveals no statistics on cultivation, production, or refining of illicit narcotics.

In the November 1985 issue of Moncada, the monthly journal of the Ministry of Interior, an article appeared on a Cuban domestic drug problem -- the first such admission in recent memory. The article was written to indicate that though there were indeed drug users in Cuba, they were few, largely under control, and entirely dependent on outside sources for their drug supply. The article related how Ministry officials were able in June 1985 to seize a supply of drugs -- over $300,000 worth of marijuana -- being smuggled into the country from a boat off its shore east of Havana. Other than this highly unusual admission of a domestic drug problem, no further information is available on drug trafficking for domestic use in Cuba.

A.2. Accomplishments in 1985

No detailed information is available on government activity against drug cultivation and trafficking.

Castro, in the interview noted above, claimed that between 1974 and 1985, 306 drug traffickers were captured, 280 tons of marijuana and 1,024 pounds of cocaine seized, and 25 aircraft and 56 trafficking boats seized. For a period covering more than a decade, this is not much activity. Castro said that small civilian aircraft quite often violate Cuban airspace and pay no attention to signals from its interceptors. However, Cuba has been unresponsive to United States suggestions for cooperation in dealing with this phenomenon.

A.3. Plans, Programs, and Timetables

Though Cuban authorities claim to have eliminated Cuba's drug problem, the appearance of the Moncada article (see Section A.1 above) indicates continued, perhaps growing, concern on the part of the GOC over domestic drug use. No information is available on the GOC's plan for combatting the problem other than Castro's assertion in the interview referred to in Section A.1 that Cuban authorities were taking "rigorous measures" against drug trafficking.

A.4. Adequacy of Legal and Law enforcement Measures

Article 217 of the Cuban Penal Code provides for imprisonment of 3 to 8 years for the production, transport, trafficking, possession with the intent to traffic, or to procure for others, toxic drugs or hallucinogenics, hypnotics, or narcotic substances. Simple possession is punishable by sentences of six months to three years. Land used to cultivate marijuana or other similar substances is subject to confiscation (if privately held). If the amounts of illegal substances involved are "relatively large", sentences range from 7 to 15 years. Though 70-100 United States citizens have been arrested in Cuba on drug charges in the last five years, only four were known to be in Cuban prisons at the end of 1985.

The narcotics control function within the Cuban government is carried out by the Ministry of Interior, the Customs Service (Aduana General), and the Ministry of Public Health. The revolutionary armed forces apparently also play a role in the apprehension of suspected traffickers. No public information is available on how these official organizations cooperate, on their lines of authority or on areas of responsibility.

Corruption is widespread in Cuba's malfunctioning economy, though much of it is small scale. Despite allegedly severe punishment for involvement in drug trafficking, it seems unlikely that some officials, at least, have not been bribed to close their eyes to domestic drug activity. The testimony on official Cuban involvement in international drug activity indicates that local authorities who come into contact with drugs being transported through or around Cuban territory facilitate their traffic under orders from their superiors.

Cuba has received no United States aid in its anti-narcotics efforts; nor, to the extent this is publicly known, has it received such aid from other countries. No third country has anti-narcotics personnel stationed there. No information is available on Cuban domestic anti-narcotics training problems.

A.5 Domestic Drug Abuse

No information other than that quoted above is available on the domestic drug abuse problem.

C.1. Statistical Tables

No information available

ECUADOR

A.1. Status of Illicit Narcotics Production and Trafficking

An estimated 1,500-2,900 hectares of coca were under cultivation in 1985. An estimated 464 hectares were eradicated. Overflights indicate that eradicated crops have not been replanted nor is there any evidence that new areas are being brought under cultivation. The projection is that cultivation in 1986 will decline to about 2,400 hectares, with eradication increasing to about 1,000 hectares.

The overwhelming majority of coca plantations are owned and operated by Colombians who freely cross Ecuador's undemarcated border with Colombia. No evidence of a network linking individual plantations has been found. Similarly, there is no evidence of other-country involvement in the cultivation of coca in Ecuador.

The bulk of Ecuador's coca leaf crop is converted to coca paste for overland transportation to Colombia and conversion to cocaine hydrochloride (HCL). One kilogram of paste is worth approximately $3,000. Until recently, little cocaine refining was thought to take place in Ecuador. However, the large seizures of precursor chemicals (primarily ether) in 1985 suggest that local cocaine refining is increasing. U.S. officials estimate that 10 cocaine refining labs are operating in Ecuador. Information derived from 1985 seizures indicates that each lab is capable of producing approximately 35 kg of cocaine HCL per week, a potential production of 18 mt of cocaine.

However, the labs which are predominantly located in urban areas, probably use imported coca paste/base. The labs do not appear to be linked to Ecuadoran coca plantations. Three cocaine refining labs were destroyed in 1985.

Ecuador has been a transit point for cocaine enroute from producers to consumers for several years. The magnitude of the problem only became apparent in 1985. An estimated 1,000 kilograms of pure cocaine HCL were seized and destroyed by the authorities in 1985. Intelligence obtained as a result of the seizures indicated that one major trafficking organization made at least 12 shipments of between 500-1,000 kilograms each of cocaine HCL to the U.S. from Ecuador since the latter part of 1984. Most of that cocaine was of Colombian origin. The rest was produced domestically. DEA is aware of four major indigenous trafficking networks.

A.2. Major Accomplishments in 1985

Ecuador's narcotics interdiction efforts enjoyed record success during 1985. Over 1,000 kilograms of cocaine HCL were seized and destroyed. This compares with only 80 kilograms of HCL seized in 1984. In 1985, the GOE eradicated 464 hectares of coca. The plantations were located in Napo Province. This compares favorably with the 114 hectares eradicated in 1984.

Fifty-seven coca paste laboratories were destroyed in 1985, compared to twenty-seven laboratories in 1984.

In July, Ecuador initiated the first joint coca eradication operation in the Western Hemisphere, in collaboration with the Colombian National Police. Over 190 hectares of coca were eradicated and 39 paste labs were destroyed. The successful Ecuador-Colombia experience led to a subsequent joint operation between Colombia and Peru. A second Ecuadoran-Colombian operation is being planned.

A.3. Plans, Programs and Timetables

The anti-narcotics plan for Ecuador is in the final stages of preparation and designates the National Police (Interpol) as the lead agency with regard to narcotics enforcement. Assistance and support will be provided by the Customs military police and armed forces. DINACTIE is to be charged with prevention programs with other ministries.

The GOE has begun to react to the cocaine refining and trafficking menace. A law requiring a permit to import precursor chemicals was recently enacted. In addition, the number and frequency of road interdiction missions has been increased. Finally, the National Police, in cooperation with DEA, is designing an enhanced investigations program targeted on local cocaine refining.

Obtaining a better estimate for the total amount of coca cultivation and refining in Ecuador remains a high priority.

A.4. Adequacy of Legal and Law Enforcement Measures

Destruction of 1,000 kilos of cocaine HCL seized during 1985 is a major step forward. The GOE has indicated willingness to destroy illegal precursor chemicals and is awaiting information from the United States regarding procedures to destroy the chemicals without adverse environmental impact.

Presidential and ministerial "surveillance" of judges has served to strengthen Ecuador's judicial system. Several attempts by traffickers to "buy" a defendant's freedom from corrupt judges have been thwarted by the GOE. Two of the judges involved were removed from their posts and are presently under investigation. Attempts will continue to install a system whereby a few selected judges would hear narcotics cases and be held strictly accountable for their decisions by the President.

The President's narcotics advisor is charged with supervising and coordinating Ecuador's narcotics efforts. The advisor has the authority of the President and is able to cut through Ecuador's traditional red tape. In addition, the advisor has been able to obtain the cooperation of agencies that have been less than willing to work together.

At the present time, Ecuador does not have any narcotics control officers stationed in other countries, nor are there narcotics control officers, other than DEA, from other countries stationed in Ecuador. However, there are law enforcement liaison officers from Colombia and France in Ecuador who exchange narcotics related information.

Corruption has been a traditional problem in Ecuador. The President, however, has vowed to make every effort to control corruption, and the Government's handling of judges involved in attempts to release important traffickers is viewed by the mission as a positive step.

Adequate training for narcotics enforcement officers has been provided by the United Staes in the past, with both in-country basic training schools and courses by the Glynco training center. During FY 1985, the United States provided in-country training schools and one executive observation program. It is anticipated that instructor courses as well as intelligence analysis courses will be requested during FY 1986.

A.5. The Domestic Drug Abuse Problem

The bulk of coca production (HCL or other derivatives) is not consumed or used within Ecuador, but is transshipped to Colombia or exported directly to the United States. It appears that domestic consumption has little influence on production. With increased enforcement, as well as the continuation of Ecuador's relatively sophisticated prevention program, which includes conferences, editorials, and radio and television spots, the drug abuse situation may actually diminish by calendar year 1987.

DINACTIE is the GOE lead agency in prevention. Relatively ineffective until now, the organization has a new chief, a medical doctor with prevention/treatment experience. He

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reportedly has the direct support of the President and First Lady and hopefully will improve the performance of his agency.

B.1. Nature of Illicit Drug Production

Coca is cultivated in Ecuador, and some cocaine HCL refining is believed to occur. Those activities are illicit. There is no cultural or historical tradition of coca leaf chewing or coca tea consumption to fuel licit demand. The current administration's energetic anti-narcotics campaign represents a sharp break with tradition. Ecuador has been viewed as a transit point for cocaine en route from producers to consumers. In fact, large scale coca cultivation was not discovered until September 1984. Accordingly, previous governments paid little attention to narcotics control activities.

B.2. Factors Affecting Production

A variety of factors, including United States willingness to cooperate, the success of enforcement activities in neighboring countries, and a genuine feeling of shock with regard to the political, economic and social evils observed in Colombia led the Febres Cordero Administration to emphasize anti-narcotics programs. Ecuador now realizes that its remote jungle areas provide a climate ideal for coca cultivation, and that Colombians are exploiting those areas to an increasing degree as operating in Colombia becomes more difficult. In addition, the many rivers provide necessary marketing links while the area's inaccessibility by road makes normal patrols extremely difficult. The mean altitude (about 1,500 ft. above sea level) is also conducive to extensive coca cultivation.

Ecuador's economic situation is such that jobs in the jungle area are extremely scarce, and coca plantation owners may provide the only form of income to the common laborers who harvest the coca.

Fortunately, the media has taken up the narcotics situation with a vengeance, publishing on almost a daily basis stories regarding narcotics arrests and editorials on law enforcement efforts, which generally applaud those efforts or criticize the government for not doing more.

The progress made during the past year under the Febres-Cordero Government is impressive. The United States believes the GOE commitment to coca eradication and to the interdiction of cocaine trafficking is genuine. Further anti-narcotics progress is expected because the GOE now views narcotics production and trafficking as a serious domestic problem. Moreover, President Febres-Cordero sees an effective narcotics campaign as a means to elevate his government's image in the eyes of his South American contemporaries.

B. 3-4. Maximum Achievable Reductions and Methodology

The estimate is that between 1,464 and 2,886 [rounded to 1,500-2,900] hectares of coca were under cultivation in Ecuador in 1985. An estimated 464 hectares were eradicated. If coca production in Ecuador follows patterns found elsewhere in South America, the yield would be about 1,000 kilograms of leaf per hectare, or a yield of 1,000 to 2,422 metric tons of leaf after eradication. Similarly, using a traditional conversion factor of 500:1, this tonnage could produce 2.0 to 4.8 metric tons of cocaine hydrochloride, or 5-11 mt of coca paste.

It is noted, however, that some portion of the coca cultivation consists of extremely large coca bushes -- 6 to 9 feet in height and some officials in Ecuador believe that the number of kilograms of leaf per hectare and the conversion to paste are higher than the South American averages. For example, there are estimates that hectares containing these larger bushes could yield as much as 5,500 kg of leaf per hectare [5.5 times the average in South America] and that this leaf converts to paste on the order of 20 kg per hectare [4 times the average]. If those yields were true for all of the 1,000 to 2,422 net hectares under cultivation, then leaf production could have risen to a range of 5,500 to 13,321 mt. After seizures and losses, there would theoretically be enough leaf to produce from 20.0 to 48.4 mt of coca paste, or between 9 and 19 mt of cocaine hydrochloride.

In the actual event, the amounts of leaf and paste available for conversion to cocaine were reduced further by seizures and local consumption [see tables].

There will be emphasis in 1986 on determining more precisely the number of hectares under cultivation, as well as the comparative yields and conversion factors appropriate to Ecuadoran production.

At this time, the estimate is that, in 1986, at least 2,422 hectares will be planted, but, eradication will reduce the harvest to 1,422 mt of leaf, which could convert to 7 mt of coca paste, and 2.8 mt of cocaine. [Even if the higher yield and conversion factors were used, the projection is that net production and cocaine yields will decline from the 1985 level, thanks to eradication and increased seizures.]

C. Data Tables

1. Summary tables

Coca Estimates	1985	1986
Hectares cultivated	1,464-2,886	2,422
Hectares eradicated	464	1,000
Hectares harvested	1,000-2,422	1,422
Coca leaf harvested	1,000-2,422 HA	1,422 HA
Loss factor (1 percent)	10-24 MT	14 MT
Coca products consumed (leaf equiv)	6 MT	6 MT
Coca paste produced	5-11 MT	7.0 MT
Coca paste seized	Minimal	Minimal
Cocaine base/HCL (potential)	2.0-4.8	2.8

2. Data Tables

Net Production (MT)	1987	1986	1985	1984	1983
Opium	0	0	0	0	0
Coca Leaf	0	1,422	1,000- 2,422	1,000	n/a
Cannabis	0	0	0	0	0
Refining (MT) Potential					
Cocaine	N/A	3	2-5	N/A	N/A

This estimate is based on the conservative assessment of Ecuadoran leaf production. In reality, much of this production is exported, and the handful of cocaine labs in Ecuador, which have a collective potential capacity estimated as high as 18 metric tons, are believed to operate on imported paste/base.

	1987	1986	1985	1984	1983
Seizures					
Coca leaf (MT)	0	0	N/A	315	0
Cocaine (Kg)	2,000	2,000	1,000	80	0
Arrests					
Nationals	1,500	2,000	1,800	1,620	1,360
Foreigners	100	500	300	300	65
Labs Destroyed (cocaine)	-	-	3	-	-
Labs Destroyed (paste)	-	-	57	27	-
Domestic Consumption					
Cocaine	.1	.1	.1	.1	.1
Other Coca	.5	.5	.5	.5	.5

No other drugs reported

Users					
Cocaine	2,000	2,000	2,000	2,000	2,000
Other Coca	10,000	10,000	10,000	10,000	10,000
Marijuana	200,000	200,000	200,000	200,000	200,000

PART D

See Appendix.

E. Resource Estimate

The 1986 reduction estimates (1000 hectares eradicated) are based on outside funding of about one million dollars in 1986, and a comparable amount in 1987, or an equivalent amount of other international assistance. The United States assumes GOE will dedicate all possible resources to narcotics interdiction, hopefully matching the value of U.S. assistance, in accordance with President Febres-Cordero's pledge to that effect.

If the current estimate of coca under cultivation (2,422 HA) is correct, U.S. officials in Quito believe that, with adequate INM or international donor funds, coca cultivation can be halted by the end of 1987.

MEXICO

A.1. Status of Illicit Narcotics Production and Trafficking

One of our primary international narcotics control concerns in 1986 is the strengthening of the Mexican program so that clear progress is demonstrated.

The narcotics situation in Mexico is among the most serious challenges facing U.S. narcotics officials. Improving the once-effective program, which affects overall U.S./Mexican relations, is among the highest bilateral priorities for 1986. Particular emphasis will focus on reversing the disappointing results of the last two years, which were marked by increased production of marijuana and opium.

We have intensified high-level exchanges with the Government of Mexico, including discussions between Secretary Shultz and Foreign Secretary Sepulveda, and regularly scheduled working meetings between Attorneys General Meese and Garcia to review progress. However, while the Mexican Attorney General's Office (MAGO) continues its dedicated effort, it is apparent that new strategies will be necessary.

As indicated in 1984, corruption remains an important factor in the increased production of opium poppy and marijuana in Mexico.

Mexico continues to be the largest single source-country supplier of heroin to the United States, with the tri-state area of Chihuahua, Durango, and Sinaloa remaining as the principal growing areas for opium poppy. In 1985, purities of Mexican source heroin samples in the United States continued to rise. Lower prices for higher purity levels also indicate an increasing supply of heroin in the United States.

Opium poppy eradication statistics for 1985 indicate that 2,750 hectares were eradicated; however, net production of opium apparently increased. (Note that official Mexican estimates of eradication are 5,600 hectares, up from an estimated 3,200 hectares in 1984. U.S. officials believe that manual eradication statistics are overstated.) U.S. officials estimate that 1985 opium production was in the range of 21-45 metric tons.

Marijuana production is also increasing. Seventy metric tons of marijuana were seized at ports of entry in the southwestern United States in all of 1984. In the first six months of 1985, more than 54 metric tons were seized in this area. Manual and herbicidal eradication efforts against cannabis cultivations for the first six months of 1985 were reported nearly 30 percent lower than for the first six months of 1984 (897 hectares compared to 1,457 hectares). A worsening economy has contributed to increased cultivation of marijuana by small farmers seeking an assured cash crop.

Processed marijuana and heroin continue to be smuggled by land vehicle with secondary reliance on light and medium aircraft. The exception may be in the states of Oaxaca and Guerrero where some marijuana is being transported by marine vessels.

A large share of the cocaine consumed in the United States continues to transit Mexico. Although some refining of cocaine hydrochloride does occur in Mexico, the majority transits in final form via small to medium aircraft, utilizing both clandestine and registered airstrips. The Yucatan peninsula continues to figure as a major vessel off-loading area for cocaine, arriving primarily from Colombia.

Mexico is also the largest supplier of illicit amphetamines to the United States. Significant quantities of counterfeit mandrax also continue to be produced in the country.

Mexico has over seventy Class I narcotics violators actively involved in narcotics trafficking. They are all, without exception, Mexican nationals and are not known to have links with terrorists or political insurgents. Although Mexican traffickers involved in cocaine smuggling have ties or links to Colombia violators, there is no evidence of "multi-national" networks operating in both countries.

A.2. Accomplishments in 1985

The large increase in opium poppy eradication reported by the Mexican government is encouraging; however, this accomplishment is offset by a decline in cannabis eradication totals and more importantly, by indications that net Mexican opium production increased during the year.

Two initiatives developed in 1985 should provide a better data base for assessing production and planning/mounting more effective eradication campaigns.

The independent monitoring program, begun in late 1984, continued in 1985. The development of the monitoring program is seen as a permanent part of the Mexican narcotics campaign.Although the program was beset by problems in its initial stages, the most recent phase (which concluded in December, 1985) provided the first firm data on how the eradication program was functioning. The Mexican Attorney General's Office (MAGO) plans to augment the monitoring program's aircraft fleet with a helicopter in 1986, and the Drug Enforcement Administration (DEA) will station permanent personnel in Mexico dedicated to the program.

During 1985, the Mexican government also committed itself to the development of an aerial survey program as another permanent facet of the narcotics campaign. An agreement is expected to be signed in February, with an opium survey assisted by the United States (INM) to begin almost immediately thereafter.

The investigation of the February 1985 kidnapping and murder of DEA Special Agent Enrique Camarena in Guadalajara diverted DEA from other major activities during a large portion of the year. The U.S. government strongly expressed its concern about the incident and about the subsequent investigation, which revealed widespread police corruption. U.S. officials also repeatedly stressed the need for vigorous prosecution of those responsible. Two major Mexican violators connected with the case, as well as others with long-standing records of narcotics involvement have been arrested. However, several traffickers implicated in Camarena's murder remain at large, as do other major trafficking figures.

A.3. Plans, Programs, and Timetables

The overall program goals in 1986 are to assess more accurately the true extent of narcotics crop cultivation and assist the Mexican government in carrying out more effective campaigns to destroy poppy and marijuana cultivation.

A strategic survey of opium poppy began in February 1986. The survey will provide an important data base for a comprehensive reconnaissance and verification program. Using the 1985 phase of the monitoring program as a base, the process of gathering, analyzing, and verifying information on cultivation and eradication will be further institutionalized in 1986. Historical eradication data is being entered into a computerized data base, utilizing software developed in 1985. This data base will be supplemented by new information derived from the monitoring program and surveys as well as reports on current eradication operations. This process will permit easier retrieval and analysis of crop cultivation and eradication information, and will facilitate strategic planning for eradication operations.

MAGO herbicidal eradication activity will continue in 1986 for both opium poppy and marijuana. Information derived from the monitoring and survey efforts should permit more effective evaluation of the program; planning for future operations will incorporate indicated changes. It is anticipated that "sweep" operations, successfully reintroduced by the MAGO in late 1984, will be continued in 1986.

A.4. Adequacy of Legal and Law Enforcement Measures

The Mexican legal system and penal code are based upon the Napoleonic code. Mexican narcotics laws are generally viewed as adequate; however, conviction and sentencing of violators of narcotics laws presents a dismal picture. Tougher drug laws are now in the process of being adopted, with quick sentencing and long terms for violators proposed. Law enforcement efforts continue to be slow, cumbersome and bogged down by the major stumbling block of corruption, a problem exemplified by the November 1985 escape from a Tijuana prison of Jose Contreras-Subias, a major figure in the trafficking organization of Rafael Caro Quintero. The lack of a computerized records system or a centralized repository of criminal records that can be accessed by telephone also has a detrimental effect on enforcement efforts.

Investigations of money laundering activities in Mexico or along the border have faced serious obstacles as Mexico has strict bank secrecy laws and cooperation in obtaining Mexican bank records from Mexican law enforcement agencies has been lacking.

A.5. Domestic Drug Abuse

Despite Mexico's role as a transit and producer country of cocaine and heroin, respectively, there is no broad domestic market for either drug. It is difficult to estimate the extent of drug abuse in Mexico in terms of overall numbers or social classes; however, most experts agree that Mexico is in the early stages of a national drug abuse problem, with marijuana and glue (for sniffing) currently the most commonly abused substances.

Mexico lacks sophisticated treatment and rehabilitation facilities. Many Mexican medical authorities view marijuana use more as a growing social rather than public health problem, and abuse of other drugs is not widespread. The recent earthquakes destroyed the country's two major research hospitals, which treated drug-related cases in lieu of specialized rehabilitation centers. Mexico's strained resources will go into reconstructing these and other destroyed facilities in the forseeable future.

The government of Mexico has proceeded with drug education programs, using materials and programming support from the U.S. Information Agency (USIA). Spearheaded by the Attorney General's Office, the effort focuses on the family and the community, the cornerstones of Mexican society, in preference to programs targetted at individuals. The key agency for the prevention effort is the National Committee Against Chemical Dependency (ADEFAR), which also works with the national health ministry. ADEFAR largely serves as a funnel for information, sponsoring community-level groups around the country. These local committees supervise programs and distribution of literature, while working with public schools.

In addition, ADEFAR and the Attorney General's Office have aggressively encouraged the media to attack drug abuse. Since early 1985, newspapers have run articles attacking drug trafficking as a social evil, and television and radio stations regularly broadcast public service announcements warning about the dangers of illegal drugs. This situation contrasts sharply with that in 1984, when drug abuse and trafficking were largely ignored in the media.

B.1. Nature of Illicit Drug Production

Maintaining the pattern seen in previous years, small producers grow much of the narcotics crops in Mexico, while subsequent processing and transportation are handled by larger organizations. Although these organizations have been hurt by arrests of narcotics traffickers this year, there are no indications that operations have been disrupted to the point of reducing net production. On the contrary, both opium and marijuana production have apparently increased during the year.

Opium poppy can be found in relatively restricted areas in Mexico, while cannabis is grown in almost all areas of the country. Reflecting observed cultivation patterns, the Mexican government concentrated eradication operations in the states of Sinaloa, Jalisco, Oaxaca, and Guerrero, with poppy eradication particularly concentrated in Sinaloa. Marijuana eradication figures for Chihuahua, Michoacan and Durango are greatly reduced from previous year totals.

B.2. Factors Affecting Production

As in 1984, the climate again favored increased cannabis and opium poppy crops during the year, with good growing conditions throughout the country. Trafficking organizations headed by powerful individuals wield political as well as economic power, and have demonstrated an ability to corrupt elements of the anti-narcotics forces. Investigations by the Mexican Attorney General's Office conducted during the year have led to the arrest of hundreds of individuals, and two major traffickers are currently in detention in Mexico charged with the abduction and murder of DEA agent Camarena. Nonetheless, the major trafficking networks remain intact.

B.3. Maximum Achievable Reductions

The Government of Mexico has traditionally stated that its control objective is the elimination of all opium poppy and cannabis fields; however, given the apparent net increases during 1985 of both opium and marijuana, program operations are being reassessed to define objectives more realistically for 1986. The surveys, reconnaissance and verification missions, and computer-based analytic system, provided or supported by the United States, are critical to this reassessment of objectives and redefinition of the scope of cultivation, and will provide the data needed to improve strategic planning.

At this juncture, there are few reliable, uncontested data. The MAGO has not defined specific eradication targets for 1986. But, as noted, it has agreed to an aerial survey of opium poppy, and other improvements in monitoring and verification. Given the uncertain reliability of data on 1985 cultivation estimates, neither government is prepared at this time to make estimates on 1986 cultivation, eradication, or yields. When improved data are available, the United States will seek agreement on 1986 objectives.

B.4. Methodology

The Drug Enforcement Administration believes that marijuana production in 1985 was at least as great as 1984, when DEA estimates that 2,500-3,000 metric tons of marijuana were available, as a net figure after eradication, seizures and losses, for export to the United States. Using the high-side assumption of 3,000 MT as a base, which would require 2,655 hectares of net cultivation (1.13 MT per hectare), and factoring the MAGO estimate that it eradicated 2,945 hectares, plus 507 hectares representing domestic consumption of 100 mt, seizures of 173 mt, and losses of about 10 percent of net (300 mt), then 1985 cultivation was at least 6,107 hectares. By some estimates, cultivation may have increased to as much as 9,000 hectares, which if accurate would yield 6,000 MT for gross potential production; carrying out this estimate, which is not based on surveys but on random field observations, the net available for export to the United States would have been as high as 5,943 mt of marijuana. The MAGO report of eradicating 2,945 hectares is a drop from the 3,600 reported eradicated in 1984.

Readers will note that gross cultivation of marijuana for 1984 was estimated at 8,700, reflecting the large cultivation and seizures (2,400 mt) at Chihuahua. There is no attempt here to imply that gross cultivation declined from 8,700 hectares to 6,107 hectares in 1985. Rather, the emphasis is that, at minimum, U.S. officials believe an estimated 2,500-3,000 mt of Mexican marijuana, the same as 1984, and possibly much more, were exported to the United States in 1985.

Lacking an empirical base, such as a survey, there is no reliable method for projecting 1986 cultivation, production or yield. Given the recent experience, it is prudent to assume that traffickers will attempt to cultivate and harvest at least as much marijuana in 1986 as in 1985, or about 6,000 hectares. However, given sought-after improvements in the efficiency of the Mexican marijuana eradication program, the net production and yield figures would hopefully decline. In essence, there is no U.S. or Mexican estimate for 1986.

Opium production is presumed to have increased, a belief based in part on the influx of "black tar" heroin and increases in U.S. seizures, as well as field observations. There are no reliable estimates on cultivation. The Mexican government reported eradicating approximately 5,600 hectares, through both manual and chemical methods, which if accurate would represent a sharp increase over the 3,600 hectares eradicated in 1984. However, U.S. officials note that the reports include 3,600 hectares eradicated manually, and believes this figure is incorrect, and that a more representative number would be 1,200 hectares. Also, verification flights and other monitoring suggest that, to reflect needed return flights over some fields, overlap and other factors, the estimate for chemical eradication should be 1,542 hectares. Rounded, the estimate is that 2,750 hectares were eradicated in 1985. DEA estimates that about 2.6 MT of heroin were exported to the United States in 1985, suggesting that net opium cultivation was 2,600 hectares. This assumption indicates that 5,350 hectares were cultivated, up marginally from the 5,200 hectares estimate of 1984. Other estimates suggest, however, that net cultivation may have been as high as 4,500 hectares, which, if correct, could have yielded as much as 45 mt of opium.

The assumption in this report, pending the aerial survey which began in February 1986, which will permit more precise targetting of eradication activities, is that actual net production in 1985 fell somewhere within a range of 21-45 metric tons of opium. Given the softness of these data, there is no reliable method of projecting 1986 cultivation, production, or yield, until the survey is finished and more effective strategies have been mapped and employed.

Obviously, the purpose of the frequent, high level meetings, the employment of more sophisticated estimation and planning devices, and the provision of additional equipment is to ensure a Mexican capability to bring opium and marijuana production down in 1986.

C. 1. Statistical Tables

Marijuana	1985	1986
Hectares cultivated	5,620-6,107	No Estimates
Hectares eradicated	2,945	
Hectares harvested	2,675-3,162	
Cannabis yield mt	3,023-3,573	
Loss factor mt 10	250- 300	
Cannabis seized in ctry	173	
Domestic consumption	100	
Exported to U.S.	2,500-3,000	

Opium/Heroin		
Hectares cultivated	5,350-7,250	No estimates
Hectares eradicated	2,750	
Hectares harvested	2,600-4,500	
Opium yield mt	26	
Loss factor	Unknown	
Opium seized	None	
Available for refining	26.0	
Heroin produced	2.6	
Heroin seized in ctry	.006	
Heroin consumed in ctry	-	
Heroin exported to U.S.	2.594	

GROSS CULTIVATION:		
Opium	5,350-7,250	5,200
Cannabis	5,620-6,107	8,700
HECTARES ERADICATED	1985	1984
Opium	2,750	3,200
Cannabis	2,945	3,600
NET CULTIVATION (Hectares)		
Opium	2,600-4,500	2,000
Cannabis	2,675-3,162	5,100
NET PRODUCTION (MT):		
Opium	21-45	21
Cannabis	3,023-3,573	3,000-5,850
REFINING:		
Heroin	2.6	2.05
SEIZURES:		
Opium kg	56.6	
Morphine kg	1.9	
Heroin kg	8.8	0
Poppy seed kg	133.2	
Hashish kg	0.5	
Cocaine mt	2.5	.0336
Marijuana	173	2,400
Depressants units	712,199	
Stimulants	74,045	
Peyote kg	455.1	
ARRESTS:		
Nationals	3,968	5,635
Foreigners		195
LABS DESTROYED		
Heroin	4	8

DOMESTIC CNSMP	100 mt marijuana estimated
USERS	No official information available.

D. U.S. Assistance to Mexico

See Appendix.

E. Resource Estimates

The current FY 1986 authorized level of $10.1 million is inadequate to meet estimated levels of eradication. Given the increased number of aircraft supported, age and condition of the fleet, and the requirement to defray more of the GOM operational costs, e.g., herbicide, per diem, etc., it will be necessary to increase the funding level of the program in FY 1986.

NICARAGUA

A.1. Status of Illicit Narcotics Production and Trafficking

The Government of Nicaragua's (GON) control of overt sources of information, together with the Sandinista regime's unwillingness to cooperate with the United States on this issue, make it difficult to present a comprehensive account of narcotics-related activity in Nicaragua.

At this time, the United States has no specific information on the cultivation, production or refining of illicit drugs in Nicaragua. However, while Nicaragua is not an illicit narcotics producing country, there are indications that Nicaragua may have become a transshipment point for cocaine destined for the U.S. markets. Moreover, there is evidence suggesting that members of the Sandinista Government have not only condoned but have actively participated in narcotics trafficking activities.

Although Sandinista officials have denied all allegations, there are charges that one of the most influential members of the Sandinista National Liberation Front (FSLN), which controls the Government, is directly and personally involved in drug trafficking. A former Nicaraguan Interior Ministry official has stated publicly that Sandinista Interior Minister Tomas Borge has been actively involved in smuggling cocaine from Colombia to the United States. Working through an Interior Ministry-controlled company set up to earn foreign exchange, Borge reportedly provided Colombian traffickers with airplanes, refueling and transshipment facilities in Nicaragua. An earlier report covering 1983-84 also implicated another Nicaraguan said to have close ties to Borge in narcotics trafficking. Photographs, allegedly taken on the military side of Managua airport, show Nicaraguan government officials loading boxes, described as being filled with cocaine, into a small aircraft. According to some Nicaraguans, the presence of the plane in a controlled military zone also implicates Defense Minister Humberto Ortega in the trafficking activity.

The Interior Ministry official's statements indicate the involvement of at least one and possibly more of the leading members of the ruling Sandinista Front. This development, together with the already strained relations between the GON and the United States, has both eliminated bilateral cooperation on narcotics control and made it all but impossible to gather accurate official information on any aspect of the subject. Given this lack of cooperation on the part of the GON, U.S. narcotics control efforts are focused on regional and neighboring countries' organizations and institutions.

A.2. Accomplishments in 1985

The U.S. Embassy in Managua knows of no plan or program implemented by the GON in 1985 to attempt to eliminate illicit narcotics trafficking.

A.3. Plans, Programs and Timetables

On October 29, 1985, a pro-government radio station announced that the Ministry of Interior would establish a "wide ranging and permanent operation" to combat drugs, which will include "the rehabilitation of drug addicts." Whether this operation will be aimed at the illicit cultivation of narcotics is not clear. Although the Sandinista Government has accused "counterrevolutionary" forces of being involved in producing and dispensing drugs, it has never acknowledged that narcotics cultivation is a serious domestic problem.

A.4. Adequacy of Legal and Law Enforcement Measures

Nicaragua's judicial and law enforcement mechanisms seem to be adequate for carrying out drug enforcement operations. The Sandinista police have a specially-trained unit on drugs and vice which has jurisdiction over narcotics offenses. Although we have no information on special training the GON may provide to law enforcement officers in narcotics control, we do know that in general the police appear to be professional and adequately trained.

There is, however, some evidence of narcotics-related police corruption beyond that involving Commandante Borge. The same former Interior Ministry official who implicated Borge in cocaine trafficking has also provided information indicating that known criminals, particularly drug offenders, have entered the ranks of the Sandinista police. These recruits allegedly have continued to engage in drug-related criminal activity. According to the defector, some key positions are currently occupied by persons who were (and still are) engaged in the very crimes they are now called on to investigate. The corruption has taken the following forms:

1. These corrupt officials either consume the marijuana and other drugs confiscated or sell them on the street to earn money;

2. Some of the drugs confiscated by the police are sent to the state security (DGSE) agency where they are consumed by some of the officials or used in operational activities, including being planted on innocent persons whom the DGSE seeks to compromise.

3. The Sandinista police operate a network of informants who have a dual function: to inform the police about individuals who use or deal in drugs, and to resell drugs confiscated by the police.

The Interior Ministry defector identified approximately ten persons with criminal backgrounds involving drug offenses who work for the Sandinista police. Several hold the rank of Lieutenant, and head sections within that law enforcement agency.

The basic statute on narcotics law enforcement is title six of the Penal Code, which dates from March 3, 1976. Actual drug arrests appear to be few, with small amounts of drugs reported as found. For example, sub-comandante Enrique Schmidt, head of the fourth unit of the Sandinista police (the unit responsible for drug enforcement), announced on October 28, 1985, the break-up of a "major" marijuana trafficking ring. The police had recovered marijuana with an estimated value, however, of less than 50 dollars and had confiscated local currency equivalent to less than 900 dollars.

A Sandinista decree (Number 559 of October 25, 1980) gives the police (under the Ministry of Interior) primary jurisdiction over narcotics crimes. An amendment to that decree, embodied in decree no. 1467 of June 16, 1984, provides for prison terms for narcotics and other offenses. (One unusual feature of the Nicaraguan judicial system, as it applies to narcotics crimes, is that the police are authorized administratively to give drug offenders sentences of up to two years in prison.) Taken together, these three basic sets of laws provide for the following legal measures against drug trafficking.

The planting, cultivation, harvesting or gathering of seeds or plants from which psychotropic, stimulant, depressant or hallucinogenic substances can be obtained is punishable by 30 years in prison. The same sanction is applied to those who bring such substances into the country, or sell, transfer, etc. such substances, including health professionals who provide drugs in violation of applicable regulations. One is presumed to be a trafficker if one cannot explain one's possession of such drugs. Also, persons who consent to the use of their property as a place for illegal use of drugs can be imprisoned from one to four years, and such of their properties that may be open to public use will be closed. When a person has been detained for having produced, trafficked in, distributed or promoted the illegal consumption of prescribed drugs, and there is insufficient evidence to transfer jurisdiction to a competent judge, the police instructional judge may impose a sentence of from one day to six months of "uncommutable arrest" on a first offense and from six months to two years for a second offense. Such sentences may be appealed only to the respective regional delegates of the Ministry of Interior.

Nicaragua is a party to the 1961 Single Convention and the 1971 Convention on Psychotropic Substances. It is not a signatory to the 1972 amendments to the Single Convention. In August 1984, the GON signed the Quito accord against drug trafficking.

A.5. The Domestic Drug Abuse Situation

At this time drug abuse does not yet appear to be a significant problem in Nicaragua. The political atmosphere created by the revolution, the extensive social and police controls, the depressed economic situation and the role of religion in many people's lives all serve to inhibit the use of illegal narcotics. Nonetheless, the use and sale of drugs (especially marijuana) seems to be on the increase. Most key leaders, both in the Government and in the opposition, view the use of drugs negatively.

The GON's Ministry of Health operates a rehabilitation clinic in Managua, but does not provide detailed statistics on drug abuse. Most drug addicts are treated as outpatients, but the more acute patients are confined in the National Psychiatric Hospital.

In an article in one of the Government-controlled newspapers last July, the GON claimed that the level of drug addiction had dropped dramatically. The Director of the National Psychiatric Hospital stated that the hospital had not treated a single drug addict in 1985. He said there were two cases per year in 1983 and 1984. He quickly added, however, that "this does not mean that there is no drug consumption, but rather that the levels are much lower," by implication since the 1979 revolution. A recent Interior Ministry announcement also seems to indicate increased need for treatment and rehabilitation (see section A.3).

Domestic drug consumption is essentially small scale and has no measurable impact on the transshipment of narcotics. Illicit drug production is presumed to be negligible, and we have no indications of export of locally grown narcotics crops.

PANAMA

A.1. Status of Illicit Narcotics Production and Trafficking

Panama's principal involvement in the narcotics trade is in the transshipment of drugs from South America to the United States and in the laundering of narcotics profits.

Narcotics production is estimated at about 400-500 hectares of marijuana cultivation, primarily in the Perlas Islands in the Gulf of Panama. However, aerial eradication destroyed about half of this fall 1985 crop. There are some isolated fields of coca near the Colombian border, but they seem to be more experimental than commercial.

Panama serves as a transfer point for narcotics (mostly cocaine and marijuana) moving from South America to the U.S. and chemicals used in narcotics processing passing from the U.S. and Europe to South America. Narcotics arrive in Panama in light planes and small coastal vessels and are transferred to other aircraft or vessels for shipment to the United States. The narcotics are sometimes warehoused in Panama prior to onward shipment.

Although Panamanians are involved in trafficking, and corruption is reportedly a factor, most of the actual trafficking is carried out by nationals of other countries, especially Colombians and Bolivians. Panamanian authorities have been cooperative in permitting U.S. Coast Guard search and seizure of Panamanian-registered vessels suspected of carrying drugs.

Of particular importance is Panama's role as a major money laundering center in the Caribbean area. One hundred twenty banks operate in Panama with deposits of over $30 billion. These banks are attracted to Panama because of favorable financial conditions, notably exemption of profits earned outside Panama from local taxation. In addition, Panama has strict banking secrecy laws, corporations can be set up with ease, and the U.S. dollar is the currency. These factors make Panama an attractive location for laundering the proceeds of the illegal narcotics trade. Most of this money enters Panama in bulk cash and departs via electronic transfer, often within 24 hours of deposit. A self-policing system devised by the Banking Association to regulate cash deposits in excess of $10,000 produced some results in 1985 but has had little impact thus far on money laudering operations.

A.2. Accomplishments in 1985

There were three major events in 1985: the seizure in March of the First Inter-Americas Bank, which was owned by drug traffickers; the opening of bilateral negotiations on a Mutual Legal Assistance Treaty (MLAT); and the aerial eradication program which destroyed perhaps half of the marijuana growing in Panama at that time.

In February, Spanish officials arrested Colombian drug traffickers Jorge Ochoa and Gilberto Rodriguez Orjuela. Rodriguez Orjuela was the majority owner of the First Inter-Americas Bank in Panama through which he laundered the proceeds of his illegal trade. Panamanian authorities intervened in the Bank under Cabinet decree 283 of 1970 which states that banks, their directors, officers and employees must maintain a good reputation for the integrity of their operations. Rodriguez Orjuela has been imprisoned in Spain awaiting a decision on requests for his extradition by Colombia and the United States. The First Inter-Americas Bank remains under the control of the banking commission, which oversees the liquidation of assets. The intervention represents the first major action taken by GOP authorities against a money laundering operation.

In late May, U.S. and Panamanian negotiators met for the first time to discuss a possible Mutual Legal Assistance Treaty (MLAT) to deal with the money laundering issue. To date, the discussions must be considered introductory and explanatory. The U. S. team was unable to attend the second scheduled meeting in July because of other commitments. Since early September we have been urging the GOP to agree on a new date for resumption of discussions, but without a concrete response so far. Until an MLAT is agreed on, we expect money laundering to remain our primary bilateral narcotics issue with Panama.

In September, the Panama Defense Forces, with INM assistance, began a comprehensive effort to eradicate marijuana cultivations through the aerial spraying of herbicides. The program began in the major growing area, the Perlas Islands in the Pacific Ocean south of Panama City. The operation resulted in the eradication of 517 acres (210 hectares) in five days of spraying. Aerial reconnaissance of the islands and mainland Panama as part of the eradication program led to a revision upward in estimated marijuana cultivation to about 400-500 hectares.

A.3. Plans, Programs and Timetables

Panama's anti-narcotics program centers on improving the capability of law enforcement agencies to deal with narcotics

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interdiction on a country-wide basis and eradication of marijuana cultivation. Panama seeks U.S. assistance to carry out these programs.

In 1983 the GOP initiated a coordinating group for narcotics enforcement. This group has been hampered by poor communications and transportation facilities. The U.S. is helping to develop an improved communication system and has provided some assistance in transportation. We have also provided technical support in the form of satellite navigation equipment to the Panamanian navy to improve its ability to assist in joint operations at sea.

Following the largely successful marijuana eradication program in September of 1985, the government of Panama repeated the INM-assisted operation again in January 1986 to destroy replanted fields and will repeat the operation in the fall.

A.4. Adequacy of Legal and Law Enforcement Measures

Legal System: Few traffickers are sentenced to significant jail terms upon conviction, and reports of corruption among some judicial authorities are common. Most foreigners, including Americans, are deported after a short stay in jail. Many of those arrested never actually come to trial, as pre-trial confinement periods often run up to several months.

The principal Panamanian law regarding the possession, use, and trafficking of narcotic drugs is Law No. 59 of June 1941 as subsequently amended. Decree No. 478 of October 24, 1973, created the National Commission for Control of Depressants and Psychotropic Substances. This Commission proposes uniform criteria for the various Government institutions, formulates policy, and organizes, coordinates and supervises programs of all phases of drug use, handling and trafficking, both licit and illicit.

Cannabis indica, grown in Panama and known locally as can-yac, is covered separately under Law No. 23 of February 15, 1954. Users are to be sent to rehabilitation centers administered by the central Government. Bail is not permitted to violators. However, this law is not invoked frequently today.

The Directorate General of Public Health is legally responsible for regulating the medical, dental, and veterinary professions. The Department regulates legal importation, handling, and distribution of stimulants, depressants, and narcotics, and patented products containing any of these. This includes prescriptions; licenses; registration of prescribers and distributors; record keeping by pharmacies, drug stores, and pharmaceutical houses; and storage of these substances.

On paper, the Panamanian system is capable of prosecuting all phases of narcotics trafficking with the exception of money laundering. The law governing banking secrecy makes it difficult, if not impossible, to identify and prosecute major money launderers. Sensitivity to the opinion of the important banking sector has made it difficult to deal with this issue.

Law Enforcement: The Panama Defense Forces (PDF) serve as the umbrella organization for all law enforcement in Panama, although some responsibility for narcotics related enforcement activity is vested in other Government agencies as well. Those involved in enforcement include:

(A) G-2 Narcotics Section of the PDF

The G-2 staff handles all national-level intelligence and investigations. It investigates all major crimes, prepares evidence and documents and holds prisoners to be turned over the prosecuting attorney for legal proceedings. G-2 is divided into functional sections, including a narcotics enforcement international liaison officer.

(B) National Department of Investigations (DENI)

The DENI tends to concentrate on less important seizures, arrests, and investigations. It is composed of various offices responsible for security and Interpol affairs, including Omar Torrijos International Airport, narcotics, fugitives, investigations, and criminal lab work.

(C) Customs and Narcotics Section of the Ministry of Finance

This section operates at ports of entry. Some consider it the most professional of the narcotics agencies and it is credited with the majority of seizures of drugs destined for the United States.

(D) Pharmacy, Drug and Food section of the Department of Health

This section has regulatory responsibility for control of importation, exportation and distribution of licit controlled substances but it is seriously undermanned.

Treaties and International Agreements: Panama is a signatory to the 1961 Single Convention on Narcotic Drugs and the 1971 Psychotropic Substances Convention. It is a member of the United Nations Commission on Narcotic Drugs.

Panama has engaged in preliminary discussion with the U.S. Government concerning measures to improve the level of legal cooperation on narcotics matters. These include a proposed Mutual Legal Assistance Treaty. Panama signed an extradition treaty with the United States on May 25, 1904. This treaty included no provision for drug law violators. Panama has, however, expelled persons to the United States on a case-by-case basis.

Training: Panama has no organized training program but is working towards the establishment of its own narcotics training facility. U.S. training of Panamanian investigative agents is aimed at the formation of a staff of competent instructors in drug enforcement techniques.

A.5. Domestic Drug Abuse

Panama's drug abuse problem centers on the use of marijuana, cocaine and paint thinner. Marijuana is the most extensively used drug, and is both grown locally and imported from Colombia. However, cocaine abuse in Panama is increasing. Colombia is the major source country for cocaine consumed in Panama. The main consumers are believed to be Panamanian youth as well as Americans living in Panama.

Other dangerous drugs are in less demand. Barbiturates, amphetamines, and tranquilizers are easily obtained over-the-counter at most drug stores.

As yet, there has been no major effort on the part of the Panamanian Government to institute a program of drug rehabilitation and prevention of drug abuse. Community groups, such as the Lions Club and the Cruz Blanca, speak out on what they perceive as a growing use of drugs among urban youth and have protested official inaction. However, no coordinated program with allocated resources has been established.

B.1. Nature of Illicit Drug Production

Panama's role in international narcotics traffic revolves around four issues:

(1) The use of Panamanian banks to launder narcotics related profits mostly from third countries;

(2) The use of Panama as a transit country for narcotics enroute from South America to the United States;

(3) The use of Panama as a transit country for precursor materials, mainly ether, which is used in the production of cocaine hydrochloride; and

(4) Local cultivation of marijuana.

A. Production of Licit Narcotics

Panama is not a major producer of licit narcotics. Phenobarbital and demerol are prepared locally under license and control of the Health Ministry's Department of Pharmaceutics. There are no indications that these drugs are being diverted for illicit sale.

B. Production of Illicit Narcotics

The climate and terrain of Panama provide areas suitable for the cultivation of marijuana. The primary growing areas are the Pearl Islands located on the Pacific side. Small amounts of coca cultivation also have been seen in Darien Province, but probably constitute "experimental" plots on the part of Colombian traffickers seeking new growing zones which they believe might be less susceptible to detection. Estimates of total marijuana cultivation in Panama range from 400-500 hectares with an estimated yield of one metric ton per hectare.

B.2. Factors Affecting Production

As noted in B.1 above, the tropical climate in Panama is ideal for the cultivation of marijuana and to a lesser extent coca. Such cultivation is not extensive and does not appear to be expanding.

Panamanian Perception of Illegal Narcotics Activities

The Government is aware that Panama increasingly is the focal point both of transit of illegal drugs from South America and of the ever-growing laundering of proceeds from drug sales. In addition, the local use of marijuana and cocaine seems to be on the upswing. The Government wishes to project an image of Panama as a safe and respectable place for international trade and investment. Inasmuch as drug trafficking tarnishes that image, Panamanian officials are strongly opposed to it and are willing to cooperate extensively with U.S. authorities to hinder the drug trade. Panamanian public awareness of their country's role in the international drug trade seems to be increasing as well. Local newspaper coverage of narcotics-related arrests has expanded.

There also seems to be growing public awareness of drug abuse within Panama itself. Marijuana, traditionally used by Indian populations living along the Caribbean coast, is increasingly to be found among urban youth. Cocaine is beginning to become fashionable among the middle and upper classes.

B.3. Maximum Achievable Reductions

Due to the relatively small size of the Panamanian marijuana crop, it is believed that almost complete eradication is possible. Follow-on eradication efforts will in 1986 reduce the area cultivated further. It remains to be seen whether or not the marijuana crops will expand further on the mainland with successful eradication on the islands.

B.4. Methodology Employed to Determine the Maximum Achievable Reduction

Based on aerial observations of crop size and on previous spraying experience, we estimate that nearly all of the crop can be destroyed in one to two years of spraying.

C.1. Summary Tables

Cannabis	1985	1986
Hectares cultivated	400-500	400 +
Hectares eradicated	210	200-300
Hectares harvested	190-290	100-200
Cannabis Yield	190-290	100-200
Loss Factor	Unknown	Unknown
Cannabis Seized in Country	No data	No data
Marijuana consumed in-country (MT)	25	25
Marijuana exported to U.S. (MT)	165-265	75-175

Data Tables	1987	1986	1985	1984	1983
(Cannabis)					
GROSS CULTIVATION (Hect)	100-300	200-400	400-500	400	250-400
GROSS POTENTIAL (MT)	100-300	200-400	400-500	250-400	200-400
HECTARES ERADICATED	200-300	200-300	210	0	0
CROPS ERADICATED (MT)	200-300	200-300	210	0	0
HECTARES OUT	50	50	0	0	0
CROPS OUT (MT)	50	50	0	0	0
NET CULTIVATION (Hect.)	100	100-200	190-290	250	250
NET PRODUCTION (MT)	100	100-200	190-290	250	250
SEIZURES (MT)					
Cocaine	-	-	.04	.05	
Marijuana		-	-	.09	138
ARRESTS					
Nationals	-	-	217	426	1333
Foreigners	-	-	118	39	23
LABS DESTROYED					
Cocaine	0	0	0	1	0

DOMESTIC CONSUMPTION
NO DATA AVAILABLE

USERS
NO DATA AVAILABLE

PART D
(See Appendix)

E. Resource Estimates

Panama received $204,000 in FY 1985 and $90,000 to date in FY 1986 to conduct its aerial eradication campaign on marijuana. It is estimated that $100,000-200,000 will be required annually to continue the effective crop eradication programs begun in FY 1985.

PERU

A.1. Status of Illicit Narcotics Production and Trafficking

On entering office in July 1985, Peruvian President Alan Garcia committed his government to an aggressive campaign against narcotics trafficking. This commitment has been amply demonstrated by the successful completion of the first three phases of Operation Condor (an enforcement operation in northeastern Peru) and by a vigorous anti-corruption effort resulting in the dismissal or retirement of 369 senior police officers. Progress has also been made in implementing the coca eradication program in the Upper Huallaga Valley, despite continuing violence in that area. With the protection of the Guardia Civil's Rural Mobile Patrol Unit, the eradication agency was able to destroy almost 5,000 hectares of coca cultivation in 1985. At present the Peruvian government is designing a nation-wide anti-narcotics plan for attacking cultivation, production and trafficking. In addition, the Ministry of Justice is preparing legislation which, among other things, increases penalties for trafficking.

It is difficult to evaluate with precision the status and/or trends in coca cultivation in Peru due to the lack of a thorough nationwide survey to measure accurately the amount of coca being grown. Most of Peru's coca is grown in remote parts of the country where heavy rains and cloud cover hinder aerial photography. Furthermore, agricultural census takers have difficulty entering these regions because narcotics traffickers and terrorists rather than police control them.

Current national coca estimates offered by different Peruvian government agencies differ widely. A former Interior Minister estimated in 1983 there were 60,000 hectares. According to the Guardia Civil, there may be 130,000 hectares of coca in Peru. In an effort to determine better the extent of coca production, aerial photography was performed during 1980, 1981, and 1983 in the Upper Huallaga Valley, probably the most important coca producing area. The process was slow due to heavy cloud cover much of the year. In October 1984, the CORAH project (coca eradication) contracted the services of a aerial survey and photo interpretation expert and negotiated a contract with the Peruvian Navy to complete the Upper Huallaga Valley aerial survey. The survey is now 70 percent complete. Taking aerial photographs is only the first step in the quantification process.

Until overall production can be more accurately quantified through a complete national survey, U.S. officials, relying on ground truth and data from the partial survey, have changed estimates of gross coca cultivation to approximately 100,000 hectares for 1983, 1984 and 1985. U.S officials emphasize that this is an estimate subject to further revision.

President Alan Garcia vowed in his inaugural address to continue the fight against the narcotics trade until there are neither drug traffickers nor drug users in Peru. He also said that Peru could not be known as a country that exported "poison." At the United Nations General Assembly, he said his government would carry on even without U.S. assistance. In support of this aggressive anti-narcotics posture, the Peruvian Guardia Civil (GC) conducted two highly successful anti-narcotics operations in Peru's northeastern jungle bordering Colombia during August and September. Intensified eradication/interdiction operations commenced in the Upper Huallaga Valley in November with Peruvian Air Force rotary-wing air support.

Nevertheless, like its predecessor, the Garcia government is beset by numerous problems, including terrorism, economic deterioration, heavy foreign debt, low mineral prices and agricultural production, and high unemployment. In addition, during 1984, the growing problem of terrorism in the Ayacucho area overflowed into the Huanuco and San Martin departments, the main illicit coca growing areas. Narcotics traffickers are also believed to have committed terrorist-style attacks on eradication workers. Eradication and development project employees in the Upper Huallaga and other civilians, including police personnel, have been killed. The Government of Peru declared those two departments an emergency zone in August 1984 and placed it under the command of the Peruvian military. The military, however, continues to focus on terrorism and regards the trafficking problem as outside its constitutional mandate.

DEA reports that cocaine paste, and to a far lesser extent, base and cocaine HCL leave Peru via ships, private and commercial aircraft, vehicles and river boats through the principal exit points of Callao, Jorge Chavez International Airport (Lima), Iquitos International Airport, the border towns of Zarumella, La Tena, Leticia, and numerous locations along the thousands of kilometers of unpatrolled borders and coastline. Coca paste leaves the Upper Huallaga region primarily via aircraft operating out of clandestine airstrips flying directly to Colombia and Brazil. Recently Peruvian police have destroyed large scale, industrial coca refining complexes in the jungle of northeast Peru.

The Peruvian attitude toward the narcotics issue is generally constructive, although we are often told that a large percentage of the narcotics traffic results from the ready market in the United States. The Peruvians do acknowledge a domestic narcotics problem and, with the examples of Bolivia and Colombia, are expressing a growing concern over the adverse effects of narcotics trafficking upon their governmental institutions and society in general. The Garcia administration has focused more on the pervasive drug problem in Latin America and in the Andean region than on the "consuming nations."

A.2. Accomplishments

The Government of Peru has progressed in implementing its current coca and drug control plans. At a political level, the Garcia administration has taken significant steps to address the narcotics issue and is much more active publicly than the previous government. The Guardia Civil continues its presence in the Upper Huallaga in the form of UMOPAR, a 400-man anti-drug mobile unit headquartered in Tingo Maria. In the face of formidable obstacles posed by terrain, climate, and limited infrastructure, UMOPAR continues to carry out interdiction operations and protect coca eradication activities against powerful, firmly entrenched trafficking elements.

After the murder by narcotics traffickers of 19 eradication workers in late 1984, UMOPAR was not permitted to leave its barracks, even to guard eradication workers. This resulted in a complete cessation of eradication and interdiction in the area until January 1985 when the military agreed to allow UMOPAR to continue its operation. Moreover, until the declaration of an emergency zone in Huanuco and San Martin was lifted in early December, all operations carried out by UMOPAR had to be cleared first with the emergency zone military command.

On the national level, both the Peruvian Investigative Police (PIP) and the Guardia Civil are interdicting drugs. Through the end of September 1985, 5,241 kg of coca paste and base and 24 kg of cocaine hydrochloride had been seized. Operation Condor resulted in the seizure or destruction of 69 airstrips, 22 laboratories, 11 aircraft, and 13,259 kilograms of coca base and paste in solid and liquid form by the close of 1985. The Operation will continue in 1986, possibly with further regional cooperation.

Peru has made progress in implementing its coca eradication program in the Upper Huallaga, which began in 1983. With CORAH now in place and experience gained in 1983 (703 hectares eradicated) and 1984 (3,134 hectares), and with an expanded work force of nearly 1,000 men utilizing manual eradication, 4,823 hectares were eradicated in 1985.

The Naranjillo cacao cooperative inaugurated its UNFDAC-financed processing plant on September 15. This plant could help to boost production and export of an important cash crop. The plant was expected to exhaust its budgeted $1.7-1.8 million by the end of 1985 and require additional assistance before it can become financially self-sufficient. UNFDAC will start a second project with the cooperative for technical assistance to the plant and to cacao growers to increase yield and area under cultivation. In return, the farmers have agreed to reduce coca cultivation. In addition, UNFDAC will finance, through ENACO, small sub-projects in the Departments of Huanuco, San Martin, and Pasco, aimed at increasing the income and standard of living of farmers through community development, agricultural extension, and assistance to cooperatives. The follow-on UNFDAC technical assistance project has been budgeted at $3 million over 4 years, and the community development project with ENACO at $1.5 million over 2 years.

The UNFDAC Quillabamba project began in February 1985. Each sub-project agreement contains a clause whereby the recipient community covenants to reduce coca by 10 percent within 2 years of the signature date. This project has been budgeted at $1.2 million (of which ENACO will contribute $300,000) over two years. Project Directors have already identified 25 sub-projects and approved nine of them.

UNFDAC also has a small project with the Peruvian Investigative Police (PIP) and the Guardia Civil (CG) to provide them with equipment and telecommunications capability for use in the provinces.

The AID-financed Upper Huallaga area development project complements INM-supported coca enforcement and eradication efforts. AID disbursed $3.4 million in FY 1985 to support the development of legitimate agricultural production and employment. The project has reached almost one third of the rural population in the Valley with various types of agricultural services and in 1986 will add increased community development activities.

The USIS-organized Peruvian Special Permanent Committee on the Prevention of Drug Abuse hosted an INM-funded Conference on the Drug Problem on March 8-9, 1985 in Lima for delegations from the U.S., Argentina, Bolivia, Brazil, Colombia, Ecuador, and Venezuela. Representatives of the Organization of American States, the South American Accord on Psychotropic Drugs, and the United Nations Fund for Drug Abuse Control attended as observers. The conference focused primarily on the issue of alerting the peoples of South America to the rising problem of drug abuse and its causes.

A.3. GOP Plans, Programs and Timetables

The Government of Peru's plans, programs and timetables for the progressive elimination of illicit cultivation of coca are detailed in bilateral coca control and reduction program agreements. Current government coca eradication plans exist only for the Upper Huallaga Valley, which is perhaps the region best adapted for coca growing and is a major source of illicit coca for coca paste and cocaine exports. Coca eradication operations began in 1983 in the Upper Huallaga. CORAH, an organization to conduct eradication, was developed, staffed, and trained. As experience was gained, CORAH expanded its operations and improved its efficiency. By the end of 1985, 4,823 hectares had been eradicated during the calendar year.

The Peruvian government is now working on a comprehensive narcotics control plan. Intended in part to respond to section 612 of the International Security and Development Act of 1985, it is to include actions to be taken nationwide to reduce further coca cultivation.

A.4. Adequacy of Legal and Law Enforcement Measures

Due to deteriorating economic conditions in Peru, manpower and material support is inadequate to enforce the laws effectively. Terrorist activities have further stretched scant available resources. Corruption is also a problem among enforcement agencies, the judiciary and government in general. President Garcia has addressed this problem forcefully by reorganizing the police.

Peru's legal provisions outlawing unregistered coca cultivation, the production of coca paste, other illicit drugs, and trafficking are generally deemed to be adequate. The penalties imposed are heavy. Improvements are needed in the implementation of these laws, however.

The Peruvian Investigative Police (PIP), Guardia Civil, and Customs all have drug control sections in their Lima headquarters and increasingly in key outlying regions of the country as well. These sections, however, are generally poorly equipped and trained and often undermanned. A government decree was issued February 5, 1986, reorganizing the police services, with the Guardia Civil, PIP, and Republican Guard coming under a joint command. The Ministry of Agriculture has responsibility for the gradual elimination of illicit coca cultivation but suffers from budgetary problems and to date has provided little support for its coca eradication office, which depends entirely on INM funds. The picture is similar with regard to trial and punishment of convicted narcotics violators. Again, the Government of Peru lacks the resources to provide speedy trials, nor does it have adequate facilities to house the convicted. The results are long waits for cases to come to trial and frequent prison escapes.

Decree Law No. 22095, enacted in 1978, is the basic authority for the control of coca cultivation. The law's stated objective is the repression of drug traffic and the creation of a system for the gradual reduction of coca cultivation. Decree Law No. 22927 (1980) gave the Guardia Civil additional responsibility for coca cultivation control and extended the legal penalties for violators. Decree Law No. 22927 declared a state of emergency in the Departments of Huanuco and San Martin (the Upper Huallaga Valley) and called for the immediate repression of illegal narcotics trafficking.

In December 1982, the Government of Peru passed Law No. 32505 largely in response to a general strike mounted by coca farmers in the Upper Huallaga. The law lifted the state of emergency and permitted ENACO, the state coca monopoly, to resume the purchase of coca leaf from registered farmers. The law did not permit registration of new coca farmers nor did it allow already registered farmers to renew or expand coca production. Registered farmers that do so are in violation of the law and subject to eradication. Law No. 23505 reflects the government's intent to adopt the necessary measures to reduce and control coca production.

The Ministry of Justice is preparing legislation criminalizing possession of narcotics, increasing penalties for trafficking, and drastically increasing penalties for government/security force officials found guilty of narcotics-related crimes.

The 10,000-man PIP force, stationed primarily in population centers, is responsible for investigating all felonies, including narcotics offenses. The Guardia Civil (GC) with its 30,000-man force is responsible for crime prevention, investigation of misdemeanors and, in areas where there is no PIP presence, investigation of all criminal offenses.

The PIP and GC have narcotics units functioning on national and regional levels. Each has a narcotics training center for its personnel and mobile training teams to provide instruction in the outlying area.

The 400-man Mobile Rural Police Detachment (UMOPAR) was created in 1981 by the Guardia Civil in Tingo Maria. This special unit is devoted exclusively to the control of coca production and trafficking.

INM, acting through the Embassy's Narcotics Assistance Unit (NAU), has maintained project agreements with PIP, GC, and Customs since 1978, providing more than $6.8 million in commodity and training assistance. This year, however, the Government of Peru did not sign a program agreement covering Customs for FY 1985. DEA continues to work closely with PIP, Guardia Civil, and Customs and provides training assistance and operational support. In addition, the Governments of the Netherlands, Canada, Denmark, and West Germany have stationed liaison police officers in Lima.

INM funds were used to provide in-country training to 71 enforcement personnel in 1985. Another 50 persons in the education field were trained in drug abuse prevention in 1985.

A.5. Domestic Drug Abuse, Prevention, Treatment and Rehabilitation Programs

The use of coca, particularly for mastication, has a long tradition in Peru, preceding the Spanish conquest. Apart from the chewing of the coca leaf, however, the use of drugs is not widespread. Due to its high price, the use of cocaine hydrochloride is restricted primarily to the upper class. In the 1970's and early 1980's an alarming increase in the smoking of coca paste was noted by medical, police, and school authorities. It continues to rise, and one Peruvian narcotics expert has put the number of coca paste users as high as 80,000 in Lima alone. Given the lack of adequate information in this area, the United States is supporting a national drug incidence and prevalence survey to provide the Government of Peru with a more accurate picture of drug abuse in Peru. Because Peruvian cocaine paste is primarily destined for export to neighboring countries for further refinement into cocaine hydrochloride, the influence domestic consumption has had on coca production is difficult to assess.

Narcotics treatment and rehabilitation programs are rudimentary in Peru. The majority of patients are treated in private clinics. The Ministry of Health, with UN assistance, operates one narcotics treatment center near Lima, while the Pan American Health Organization has a program to improve the facilities for treatment and rehabilitation. USIS has sent two noted pharmacologists to the U.S. on international visitor's programs.

The Ministry of Education is responsible for most prevention programs. Assisted by the United States, the Ministry has set up a number of regional committees and training programs for teachers to help prevent narcotics abuse in the nation's schools. The Ministry also produces television, radio, and other media announcements warning of narcotics use problems.

The Government of Peru is increasingly aware of the need to expand its prevention and demand reduction efforts but has few resources which can be allocated to this purpose. USAID recently initiated a project to promote the organization of a private Peruvian drug information and education center to increase public awareness of problems in Peru related to the production, trafficking, and abuse of illicit drugs and the social, political, economic, and health consequences of these activities.

B.1. Nature of the Illicit Drug Production Problem

The major drug cultivated on any significant scale in Peru is coca. Some marijuana is produced, but in small quantities and only for domestic consumption. Opium is produced only on an extremely small scale in northern Peru, and there is no indication of any refinement at this time. Coca is grown both legally and illegally in Peru, and in parts of the country cultivation dates back to ancient Indian civilizations. Licit coca is produced by farmers registered with ENACO, the national coca enterprise, which is a legal monopoly for buying coca leaf. In turn, ENACO sells to retailers either for chewing or brewing into herbal tea or for the production of soft drink flavoring or pharmaceuticals. The former is for the domestic Peruvian market, while the latter is largely for export.

Illegal coca production is primarily converted into coca paste, and for the most part exported in that form. Some coca paste is consumed locally (the PIP estimates at least 500 KG), and some is converted into cocaine hydrochloride either for local consumption or for export. According to ENACO, in a document dated June 1, 1985, there are 17,915 hectares used for the legal production of coca. This represents approximately 18 percent of the hectarage estimated to be under coca cultivation.

Although no reliable estimate of total Peruvian coca production exists, ENACO reports having bought only 4.4 metric tons of licit coca in 1984. The PIP estimates annual domestic illicit consumption of cocaine hydrochloride to be 10 KG, consumption of coca paste and base 500 KG, and consumption of marijuana 2,000 KG. Peruvian illicit drug consumption is largely concentrated in metropolitan Lima but increasing abuse of cocaine paste is reported in rural regions of Peru. Coca is a major illicit cash crop in Peru, and in such areas as the Upper Huallaga, a substantial percentage of small farmers grow it as their only crop.

B.2. The Climatic, Geographic, Political, Economic, and Social Factors that Affect Production and Eradication

Coca grows well in the high jungle areas of the eastern foothills of the Andes as they descend into the Amazon basin. These areas are isolated from the major population centers of Peru and generally are poorly controlled by the government. The terrain is rugged and difficult to traverse, and the climate is characterized by heavy rains concentrated in December through March which further hinder transportation. Tingo Maria, for example, receives an average annual rainfall of more than 4,000 mm (approximately 157 inches). Other parts of the Upper Huallaga receive even more rain than Tingo Maria. The average farmer harvests less than one hectare of coca and many times does not have legal title to the land on which he is cultivating the coca.

In some coca-producing regions, such as in Cuzco Department, coca cultivation is traditional and closely linked to the indigenous population's customs of chewing the leaf for ceremonial purposes or to ward off hunger or cold. In areas such as the Upper Huallaga, coca production is a more recent phenomenon linked not to domestic consumption, but rather to the international market for illicit drugs. Even though the Peruvian farmer does not receive an income for this coca leaf commensurate with the inflated prices paid for cocaine hydrochloride abroad, coca is an important cash crop in Peru because the income derived from coca cultivation exceeds that of all alternative crops. In many cases coca is now being grown on very marginal lands for which there is no readily available substitute crop other than some tree crops.

Although less widely held than in previous years, Government and popular perceptions still hold that coca based products like cocaine are basically a U.S. and developed nations' problem. In past years this perception, along with the economic drain on Peruvian budgetary resources caused by demands for competitive economic development and the anti-terrorist program, have adversely affected the government's allocation or resources for anti-narcotics programs. However, since 1983 both the media and government officials have been increasingly more outspoken on the corruptive influence of narcotics trafficking upon Peruvian moral, political, and social values. The media have carried extensive coverage of statements by President Garcia and his ministers on narcotics matters. Every day several articles appear about some aspect of the drug problem in Peru. Local television showed an interview with Dr. Carlton Turner and two USIS world-net programs devoted to narcotics. USIS has placed materials in the media (radio, TV, and newspapers) both on U.S. efforts to reduce demand and prevent drug entry into the country and on the inherent dangers to the producing country.

B.3. Maximum Achievable Reduction

Through December 31, 1985, 4,823 hectares (4.8 MT) of coca were eradicated, compared to 3,134 hectares in 1984. The Government of Peru/USG program agreement signed in Lima on July 26, 1985 commits Peru to eradicate at least 6,000 hectares a year through 1989. Reaching this goal is subject to logistical and resource constraints as well as the security situation in the Upper Huallaga Valley (UHV). In November, the number of CORAH eradicators was doubled to nearly 2,000 in preparation for entering Uchiza in an all-out year-end push. However, fear of a serious confrontation with the local populace prevented the move to Uchiza and 1,000 eradicators had to be let go. Plans were made to work the alternate sites of Progreso and Morona/Topa. A resurgence of terrorist actions and/or violent reactions by traffickers in the UHV could have significant negative results for U.S./Peruvian enforcement and eradication projects, as well as the AID development project.

B.4. Methodology Employed to Determine Maximum Achievable Reduction

The management of CORAH together with the NAU determined that 6,000 hectares was the maximum achievable reduction per year target for the Upper Huallaga. No coca eradication organization currently operates in other coca regions of Peru, nor has a target been set for the whole country. We estimate that a total of approximately two months a year of field operation time are lost annually because of heavy rains in the December through March period. Thus, to achieve 6,000 hectares, CORAH must eradicate about 600 hectares a month for ten months. Allowing an average of 20 working days per month, the daily target is 30 hectares of coca eradication. Since August of this year, CORAH has been able to increase its daily total through use of a bulldozer. The computation assumes 1,000 kilograms of leaf produced annually from each hectare.

C.1. Summary Table for Total Estimated 1985 Production

Hectares Cultivated	100,000
Hectares Eradicated	4,823
Hectares Harvested	95,177
Coca Leaf Harvested	95,177 metric tons
Loss Factor	NA (1)
Coca Leaf Seized	73 metric tons
Coca Leaf Consumed	54,750 metric tons (2)
Coca Paste Consumed (Leaf Equivalent)	90 metric tons
Coca Paste Exported (Leaf Equivalent)	36,318 metric tons (90% Est.)
Coca Paste Seized (Leaf Equivalent)	1,723 metric tons
Available for Conversion	2,223 metric tons
Cocaine Base/HCL Produced	4.4 metric tons
Base/HCL Consumed In Country	.1 metric tons
Base/HCL Exported USA	2.2 metric tons
Base/HCL Exported Elsewhere	2.1 metric tons

(1) This formula, which contains a loss factor, would yield about 72 mt of cocaine HCL, consistent with other U.S. data.

(2) Domestic coca leaf consumption is based on the same formula used by U.S. officials for Bolivia, i.e., 50 grams/user/day. There are an estimated 3 million users in Peru.

Estimated Table for Total 1986

Hectares Cultivated	96,831
Hectares Eradicated	6,000
Hectares Harvested	90,831
Coca Leaf Harvested	90,831 metric tons
Loss Factor	NA
Coca Leaf Seized	100 metric tons
Coca Leaf Consumed	54,750 metric tons
Coca Paste Consumed (Leaf Equivalent)	100 metric tons
Coca Paste Exported (Leaf Equivalent)	31,993 metric tons (90% Est.)
Coca Paste Seized (Leaf Equivalent)	2,000 metric tons
Available for Conversion	1,888 metric tons
Cocaine Base Produced	3.8 metric tons
Base/HCL Consumed	.2 metric tons
Base/HCL Exported USA	1.8 metric tons
Base/HCL Exported Elsewhere	1.9 metric tons

10.b. Data Tables of Illicit Cultivation (See Footnote 1) (Drugs like opium and heroin are not abused in Peru and are omitted, while marijuana is used only for domestic consumption).

GROSS CULTIVATION:	1987	1986	1985	1984	1983
Coca Leaf	84,000	96,831	100,000	100,000	100,000
Cannabis	10	10	10	10	10
GROSS POTENTIAL PRODUCTION:					
Coca Leaf	90,000	96,831	100,000	100,000	100,000
Cannabis	24	24	24	24	24
HECTARES ERAD					
Coca Leaf	6,000	6,000	4,823	3,134	703
Cannabis	0	0	0	0	0
NET CULTIVATION					
Coca Leaf	84,000	90,831	95,177	100,000	100,000
NET PRODUCTION:					
Coca Leaf	84,000	90,831	95,177	90,000	90,000
REFINING:(2)					
Cocaine/Base	3.8	3.8	4.4		
Coca Paste	50.3	70	72.6		
SEIZURES (MT):					
Coca Leaf	100	100	73	42	74.5
Cocaine	.5	.1	.024	.121	.150
Other Coca(Paste)	20.0	20.0	17.2	3.182	7.94
Marijuana	1.0	1.0	1.1	.522	.821
ARRESTS: (Footnote 3)	5,000	5,000	4,000	5,270	5,700
LABS DESTROYED (Footnote 4)	125	125	50	119	135
DOMESTIC CNSMP (MT)	1987	1986	1985	1984	1983
Coca Leaf	54,750	54,750	54,750	54,000	54,000
Cocaine	.01	.01	.01	.01	.01
Other Coca(Paste)	.90	.90	.90	.90	.80
Marijuana	24.7	24.7	24.7	24.0	24.0
Other Drugs (Footnote 5)					

LICIT PRODUCTION					
Coca	40,000	40,000	40,000	40,000	40,000
USERS					
Coca	3 Mill.	3 Mill.	3 Mill.	3 Mill.	3 Mill.
Cocaine	75,000	80,000	84,000	84,000	84,000
Other Coca	56,000	56,000	56,000	56,000	56,000

Notes: (1) All estimates may have to be revised upon completion of the aerial survey of coca production areas in Peru. It should also be noted that eradication and seizure data are current through December 31, and all other data reported is based on information received by mid-November 1985.

(2) DEA estimates that most of the illicit production is is exported as paste to Colombia and refined into HCL. Of the final HCL product, perhaps 50 percent is exported to the U.S. with the remainder exported to other developed nations -- notably in Europe.

(3) Peruvian police do not provide complete breakdown of arrest statistics by nationality.

(4) Includes both labs for production of cocaine and coca paste/base.

(5) Data not available.

D. Status of US Assistance.

See Appendix

E. Resource Estimates

At this time we do not believe additional FY 1986 resources beyond the $1.1 million already requested for coca reduction will be necessary to attain the next 6,000 hectare goal. Due to the adverse economic situation and competing Government of Peru resource needs, Government of Peru funding for the CORAH project will likely continue to be virtually non-existent. Additional absorption capacities for the UHV eradication project are severely limited. UNFDAC currently has agreements with Peru in force/projected totaling $7.4 million, mainly in the form of coca-related alternative agricultural activities in the Upper Huallaga Valley and Cuzco Department.

Similarly we estimate that 6,000 hectares (up to 9,000 hectares) in the Upper Huallaga Valley can be eradicated in 1987 without significantly increasing requested FY 1987 funding of $2.0 million. The latter figure assumes funding for a yet-to-be-formed second coca eradication and enforcement component which would begin operating in areas inside or outside the UHV. In the first year of operations, with the experience gained in the UHV, a second eradication unit could be expected to destroy up to 3,000 hectares of coca. It is clear, however, that the Government of Peru will not be able to enter into a second eradication area without increased assistance. Above mentioned resource estimates pertain to the eradication side only; resources allocated to interdiction activities will have to increase in keeping with our current levels of operational support.

VENEZUELA

A.1 Status of Illicit Narcotics Production and Trafficking

Venezuela is not a major producing country. Increasingly effective anti-narcotics efforts in neighboring countries that are major producers of illicit drugs, however, are leading traffickers to send their narcotics to the United States and Europe through Venezuela. Venezuelans recognize that there is also a growing domestic consumption problem.

Some coca and marijuana cultivation has been found in the Perija Mountains near Venezuela's northwestern border with Colombia. These plots generally measure from one to five hectares and are destroyed by the National Guard upon discovery. Enforcement officials have so far not encountered operating laboratories, but abandoned facilities and the supplies discovered by the National Guard indicate a multi-ton capacity for cocaine refining. Cocaine is usually shipped to the U.S. aboard private aircraft in 50-200 kilo loads. Marijuana is generally transshipped on Colombian flag vessels departing local ports. There are no local Government statistical estimates of narcotics passing through Venezuela.

The narcotics network operating in Venezuela is estimated to be 80 percent Colombian, 10 percent Venezuelan, and the remainder other nationalities.

A.2 Accomplishments in 1984 and 1985

Cooperation with the U.S. in drug interdiction has been good. One of our principal goals has been to strengthen Venezuela's ability to detect and interdict drug smugglers. In the absence of significant narcotics cultivation, Venezuela has concentrated on building public awareness and enhancing interdiction capabilities.

A coordinating center for all the military and civilian government agencies with anti-narcotics operations is being established. A December 1984 Presidential decree to regulate the importation of precursor chemicals contributed to the seizure of almost 1 million gallons of ether and acetone. These controls have reduced substantially the importation of chemicals for illicit purposes.

A.3 Plans, Programs, and Timetables

The Venezuelan Government has few resources to combat narcotics trafficking. The border with Colombia is approximately 1300 miles, and the border with Brazil another 1000 miles long. Wilderness areas along both borders offer countless landing sites for small planes to make pickups of drugs for eventual shipment, mainly to the U.S. The Venezuelan National Guard, which leads the local interdiction effort, has few helicopters to ferret out drug smugglers.

Specific strategies and programs aimed at drug awareness have been delayed by the lack of epidemiological surveys of local consumption. However, two studies, one of the university population, one of secondary school students, are nearing completion. The installation of a centralized drug information center to catalog arrests by the distinct agencies has been delayed by a lack of funds.

There is growing concern that Colombians are cultivating marijuana in remote border areas of Venezuela, which may explain the persistence of marijuana seizures in Colombia, despite success in crop eradication in that country. Aerial reconnaissance is planned to determine the extent of cultivation in Venezuela.

A.4 Adequacy of Legal and Law Enforcement Measures

President Lusinchi has moved quickly to implement his public stand against the illicit drug trade with appropriate legal and law enforcement measures. However, he faces both organizational problems and financial restaints that inhibit his anti-narcotics efforts.

Bilateral, rather than multilateral or regional efforts have dominated Venezuelan drug interdiction. The Frontiers Directorate and Narcotics Commission of the Foreign Affairs Ministry are drafting a new treaty with Brazil to enhance cooperation. On a less formal level, the Venezuelan government has also implemented procedures with Colombia, Ecuador, Chile, Peru, and Bolivia to promote cooperation on narcotics matters, including information sharing. The Venezuelan armed forces, including Army, Navy, and National Guard, have held regular meetings with Colombian counterparts to share information regarding the activities of guerrillas and drug traffickers along the border. A new U.S.-Venezuelan extradition treaty is being negotiated to enhance cooperation for narcotics offenses. A regional communications network, funded by INM, is being established under Colombian leadership between the Venezuelan National Guard and its counterparts in Colombia, Peru, and Ecuador. At the OAS and UNGA President Lusinchi urged a new international convention on narcotics trafficking.

Tough new anti-drug legislation was passed in July 1984 that has enabled prosecution of drug traffickers. Few ringleaders have been arrested, but increased activity by Venezuelan officials on the legal and enforcement fronts has alerted local and Colombian criminal organizations to the Government's refusal to tolerate narcotics operations. Legislative action to discourage money laundering is under consideration.

Local drug enforcement agencies include the Justice Ministry's Federal Judicial Police (PTJ), the Interior Ministry's Directorate of Internal Security and Prevention, and the National Guard in the Defense Ministry, which has also given drug enforcement responsibilities to the Army, Navy and Air Force. The National Guard has led the interdiction effort in its capacity as a national police force. The most significant drug interdiction event during 1985 was the formation of a 100-man anti-drug/terrorist unit by the National Guard. The Commander of the National Guard has demonstrated his resolve to implement the Presidential mandate against smuggling. Both the commander and his intelligence chief have benefited from specal training and conferences with counterparts in other countries, including the U.S.

Venezuela has ratified both the 1961 Single Convention on Narcotic Drugs and 1972 Protocol to the agreement. An extradition treaty with Colombia was signed in 1985.

A.5 Domestic Drug Abuse Problem

Five ministries combat drug abuse in Venezuela. The Ministries of Health, Education, Youth, Foreign Affairs, and Justice are responsible for implementing recent anti-narcotics legislation under the guidance of a Presidential commission. Most of these programs are still in a fledgling stage.

Hogares Crea, a branch of the Puerto Rican Hogares organization, runs three treatment centers in Caracas, Maracay, and Valencia. The Youth Ministry is in the process of establishing six more treatment centers. Approximately 15 psychiatrists in the Caracas metropolitan area, where one quarter of the nation's 17 million inhabitants reside, have significant outpatient narcotics treatment practices.

Reliable statistics on local drug abuse are not available. Marijuana and bazuco (coca paste smoked in cigarettes) are the leading illicit substances, but cocaine is also consumed. Marijuana retails for approximately $150 - $180 pound. An ounce of cocaine, 35% pure, costs between $800 - $1,000 retail. These prices have remained stable.

PART B is not included because Venezuela is not a producer country. The cannabis sighted in 1984 was reportedly destroyed. Venezuela plans surveys in 1986 along its border with Colombia to determine if new cultivation is being attempted.

C.1 Statistical Tables

Seizures	1984-85 (July through June)
Cocaine	0.9 metric tons
Marijuana	47.8 metric tons
Bazuco	0.2 metric tons
Ether/Acetone	964,000 gallons

	1985	1984	1983
Arrests	12,919	10,240 (estimated)	16,673

Note: Figures represent a 12-month cycle, not corresponding to the calendar year.

PART D Status of US Assistance

DEA and U.S. Customs, with INM funding are the agencies providing training assistance to host country organizations. DEA's role is one of consultation and coordination with counterpart organizations. With Department of State resources, mission elements including USIA have sponsored an exchange of visitors and in some instances, funded training programs for Venezuelans in the U.S.

E. Resource Estimates

Because Venezuela is not a producer country, and receives no U.S. assistance for crop eradication programs, this section is not applicable.

THE BAHAMAS

A.1. Status of Illicit Narcotics Production and Trafficking

While The Bahamas is not a narcotic drug producing country, its scattered islands offer ideal isolated sites for deliveries, refueling and stockpiling. The Commonwealth of The Bahamas' 700 islands and cays (23 inhabited) stretch in an archipelago from 60 miles east of Miami to within 90 miles of Haiti. Law enforcement officials, often isolated, face the extremely difficult task of controlling 73 airstrips and 110 small boat harbors strewn throughout this 100,000 square mile area, against highly-sopnisticated, well-financed and often armed traffickers.

As a result, The Bahamas is a major transit point for narcotics destined for the United States. This has a significant impact on both the Bahamian economy and international narcotics traffic.

Cocaine and marijuana, both transshipped mainly from Colombia, are the major drugs transiting The Bahamas. No other type drugs were seized in The Bahamas during 1985. There is no evidence of narcotic drug refining or processing. The quality and quantity of cocaine and marijuana transiting or consumed in The Bahamas showed no measurable decline. In 1985, seizures of cocaine and marijuana were up slightly from 1984. The 1985 (11 months) seizures of cocaine in The Bahamas totaled 8,731 pounds, a five percent increase from 1984. (These figures do not include seizures made outside the Bahamian three-mile limit by the U.S. Coast Guard or flushed into the arms of law enforcement in the United States by aggressive pursuit from within The Bahamas. One such Coast Guard seizure north of Abaco netted 125,000 pounds of marijuana.) There is some evidence of a recent shift of trafficking from the northern Bahamas, where enforcement efforts have increased the risk of arrest and/or seizure, to the southern Bahamas, where, in part because of resource constraints, law enforcement has been largely ineffective to date.

Available evidence indicates that the illicit narcotics traffic through The Bahamas is almost entirely directed by non-Bahamians (e.g., Americans, Cuban-Americans and Colombians). Traffickers pay Bahamians handsomely to help hide, handle, and guard bulk cocaine and marijuana shipments, as well as to crew and refuel ships and aircraft. Such lucrative employment has discouraged youth from seeking modest paying legitimate jobs. While "management" and "ownership" of the illicit products in international traffic are generally non-Bahamian, local banks, lawyers and entire communities have been enriched because of their assistance to traffickers.

Local trafficking in cocaine began as "spillage," but is apparently becoming more organized by Bahamians. Corruption in the form of payments to law enforcement and other public officials is not uncommon. There are estimates that at least ten percent of the economic activity of The Bahamas (1984 GDP $1.8 billion) is drug-related (including sales of fuel and consumer goods to traffickers). Cash purchases fuel a significant part of a continuing building boom, particularly in the Family Islands (all the islands except New Providence and Grand Bahama) where licit economic activity cannot account for this activity. Police officials say that the majority of common crime is also drug-related. Pirating of narcotics shipments has occurred and several killings have involved traffickers or pushers.

Coastal freighters travel from South America (Colombia is the prime loading site) via the Windward Passage to The Bahamas, where they offload their cargo at remote, uninhabited cays. The drug traffickers frequently stockpile large quantities of marijuana in The Bahamas pending onward shipment by small, fast vessels and/or aircraft. Cocaine is normally moved along the pipeline within a few days.

In 1979-80, "mothership" operations predominated, but since late 1981, use of highly effective "airdrops" has increased. DC-3s and DC-4s, or smaller twin engine aircraft, fly from South America and Jamaica over Cuba, laden with multi-ton cargoes of marijuana/cocaine to drop onto remote cays or islands, and in the open sea at pre-designated coordinates. Recovery is made by waiting ground crews or small boats (easily disguised as pleasure craft). These operations normally take place when local law enforcement vigilance is low: on holidays, weekends, or during late dusk or early dawn hours.

In addition to bulk cocaine transport, there are continuing efforts by organized traffickers to bring one or two kilo quantities into the United States through the use of hired "mules" on commercial flights. There were 60 cocaine arrests in 1985 at the two U.S. Customs pre-clearance facilities; arrests are up 20 percent and the volume seized, 48 kilos, is more than double that of 1984. In July, a U.S. Customs Officer assigned to the pre-clearance facility in Freeport was arrested in connection with drug transport. In addition to trafficking arrests, some 200 Americans, out of the more than two million who visit The Bahamas each year, are arrested for a variety of drug offenses.

A.2. Accomplishments in 1985

In 1985, the Government of the Commonwealth of The Bahamas (GCOB) and the United States cooperated extensively in a number of projects designed to enhance the GCOB's narcotics interdiction efforts. In early 1985, there were several high-level meetings between government officials of both countries.

In February, Vice President George Bush, who heads the National Narcotics Border Interdiction System (NNBIS), met in Washington with the GCOB Foreign Minister, Clement Maynard, and the Minister of National Security, A. Loftus Roker. The NNBIS subsequently worked with Bahamian, U.S., Florida, and local officials in "Operation Blue Lightning" and "Operation Thunderstorm," which resulted in seizures of 7,987 pounds of cocaine and 177,000 pounds (80 metric tons) of marijuana.

An additional loan of three helicopters was made under the four-year-old joint U.S./Bahamian program "OPBAT," making a land-based total of five. The U.S. Customs installed, per a 1984 agreement, a tethered aerostat radar over Grand Bahama, capable of identifying both ships and aircraft, and also made available a vessel and helicopter to transport Bahamian Police Strike Force personnel and DEA agents in a manner similar to the OPBAT operation. Royal Bahamian Defence Force (RBDF) personnel now travel as observers and liaison officers on board U.S. planes and boats. This cooperation has streamlined waivers of sovereignty, allowing U.S. chase vehicles to enter Bahamian territory to arrest drug vessels. A $50,000 IMET security assistance program has already trained 20 RBDF personnel. The U.S. Army has loaned radios for special operations, and drug enforcement personnel from DEA, Naval Intelligence, and the Bahamian police cooperated to halt sales of narcotics to U.S. naval crews. Cooperation also led to seizure of a Bahamian flag vessel in international waters carrying 15 tons of marijuana.

The Embassy's public affairs activity resulted in the U.S./Bahamian "First International Drug Symposium" in Nassau November 20-22. The United States (INM and USIS) sponsored the participation of internationally renowned American and third-country guest speakers at the cocaine-focused symposium, which attracted 200 specialists and volunteers from the community. Other Mission anti-drug activity included visits and assistance by various experts; sponsorship of six participants at the Atlanta PRIDE Conferences on Drug Abuse; and assistance in stocking a drug resource center at the National Drug Council Headquarters. Nine Bahamian police officers were trained at four separate DEA/FBI/INM courses.

While the GCOB does not have a complete, formalized strategy for anti-narcotics efforts, it has taken several necessary and positive steps in that direction. In December 1984, a specially constituted Commission of Inquiry published a report concerning, among other things, allegations of high-level involvement in trafficking. The report stated that the Prime Minister's expenditures exceeded his income by a factor of eight, although it made no finding of involvement in trafficking. As a result of the Commission's allegations of wrongdoing by two former Cabinet Ministers and several persons close to the Prime Minister, four persons have been indicted for a number of narcotics-related activities. The report also alleged direct and indirect collaboration with traffickers by people at every level of society, including bankers, lawyers, clergy, and police. In January, the Association of International Bank and Trust Companies set a code of conduct aimed against "narco dollars" and money laundering.

The report also contained suggestions for improvement of the judicial and law enforcement system. Despite U.S. cooperation in assisting the Commission of Inquiry within the limits of U.S. law, the report was critical of the degree of cooperation and cited past U.S. law enforcement activities that it believed ignored Bahamian sovereignty.

GCOB officials called for regional cooperation against drug trafficking at the Commonwealth Conference held in Nassau in October, and at the UN General Assembly, the Pan American Health Organization, and the Caribbean Common Market. In a move to improve U.S./Bahamian cooperation, the U.S./ Bahamian Mutual Legal Assistance Treaty (MLAT) negotiations moved close to conclusion. An MLAT would be a significant aid in the successful investigation and prosecution of narcotics cases. Numerous examples of cooperation between the Department of Justice and Bahamian legal authorities include facilitating the appearance of witnesses, obtaining evidence, and location and extradition of narcotics violators (ten cases are now in Bahamian courts). At the same time, some potentially positive efforts have not yet borne fruit. A Parliamentary committee was established in May to investigate drug matters; the committee has yet to hold hearings or propose legislation. During the October convention of the governing Progressive Liberal Party (PLP), a tough draft resolution that called for the expulsion of party members involved in, or profiting from, drug traffic was gutted because of top-level PLP pressure.

A.3. Plans, Programs and Timetables

The Commission of Inquiry's report detailed and dramatized the pervasiveness of the drug trafficking and drug abuse

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problem in The Bahamas, yet it failed to spark a Bahamas-wide consensus to deal with the narcotics problem.

However, as a result of the Commission of Inquiry hearings, and consequent public debate, Prime Minister Pindling, the PLP, the government, and the Bahamian populace are now fully aware of the problems of narcotics trafficking and abuse, as well as the corruption these bring. These will likely be major issues in upcoming national elections, which must be held no later than September, 1987. Trials of individuals connected with the Prime Minister, as well as sharp criticism from within the PLP, will be part of the political backdrop in the battle against drugs in 1986.

Continued close U.S./Bahamian law enforcement cooperation is expected in 1986. Collaborative U.S./Bahamian operations in 1986 include:

(A) the arrival of five additional permanent DEA agent/pilots, for a total of ten permanent DEA personnel in Nassau, to enhance cooperation with Bahamian law enforcement;

(B) INM assistance to double to four the RBDF high-speed chase boats;

(C) completion of security improvements to the Nassau international airport's baggage and customs areas to reduce trafficking via commercial airlines.

A.4. Adequacy of Legal and Law Enforcement Measures

The Bahamas judicial system is based on English law, but there are no modern courtroom procedures. Judges take their own notes in longhand, and the system is strained by overcrowded dockets, understaffing, and poor funding. Narcotics prosecution in Magistrates Courts is by high-school-educated policemen, assigned to the courts with no legal experience or legal education. Drug offenders are normally represented by an experienced narcotics attorney and usually win.

Mandatory prison terms do not exist and the issue has not been fully addressed by the government, in part because of the massive funding that would be required to improve overcrowded and antiquated prisons. The Commission of Inquiry revealed that some individuals in the police and judicial systems are corrupt, and the Prime Minister has publicly referred to a yet-to-be-conducted, top-to-bottom overhaul of the police. Still, as a result of the Commission's report, two senior RBDF and police officers were dismissed in 1985, and lower ranking personnel have been dismissed for diversion of captured narcotics. No action has been taken on the Commission of Inquiry's suggestion of a separate court to deal with narcotics.

A.5. Domestic Drug Abuse: Problems and Programs

According to informed Bahamian health care workers, cocaine freebasing has reached epidemic proportions in The Bahamas. There is an estimated 30-40 percent user-addict rate in the 15-40 age group. Cocaine-related admissions to drug treatment centers reportedly have leveled off after an explosive growth in 1983-84, which was attributed to the increased availablity of cocaine in 1982-83 and the widespread practice of freebasing. By 1985, all population centers were reporting freebasing problems. Cocaine, selling for $10-15,000 per kilo, and marijuana, at $800/pound for Indian Hemp and $1,200/pound for Jamaican sensemilla, remain freely available on the streets of Nassau and Freeport. Although there have been no seizures of heroin, there is also evidence of cocaine/heroin "speedballing" by injection.

In February 1985, the GCOB established a 19-member National Drug Abuse Council under the chairmanship of Dr. David Allen. The Council is the focal point of the drug education effort and is a direct successor to a 1984 task force that helped spark increased popular concern about domestic drug abuse. With only $10,000 in direct GCOB funding, the Council has had to rely on private sector and external support. With cocaine abuse increasing, Dr. Allen has decried public passivity and criticized many community leaders for failure to confront domestic pushers. The Council has helped support drug abuse hotlines and rallies, and has raised private funds for the expansion of drug rehabilitation programs.

Despite the Ministry of Education's failure to institute a full-scale program, prospects are good for increased drug education in the schools, and for the adoption of others of the Commission's suggestions.

PART B not included, because The Bahamas is not a producer country.

C.1. Statistical Tables

ARRESTS	1985	1984	1983
Nationals	n/a	1,150	823
Foreigners	n/a	242	363
SEIZURES			
Marijuana (mt)	44.5	38.3	85.5
Cocaine (pds)	8,731	8,280	2,039
Quaaludes (gms)	n/a	30	14

PART D

See Appendix.

E. Resource Estimates

In view of the magnitude of the trafficking problem and limited Bahamian resources, the United States and The Bahamas have undertaken a number of joint initiatives to maximize the effectiveness of the available resources. On the U.S. side, these programs have involved virtually all of the agencies involved in narcotics interdiction, including DEA, U.S. Customs, and the Coast Guard, as well INM. The expanded cooperative programs have been effective. Assuming that the resource base of all participating agencies is maintained, it is expected that these programs will continue to be effective at current or expanded levels.

JAMAICA

A.1. Status of Illicit Narcotics Production and Trafficking

Marijuana is planted, cultivated and harvested on a year round basis in Jamaica; however, production is believed to peak twice a year, with the spring harvest considerably smaller than that in the fall. Cultivation occurs island-wide. Large quantities of export-grade marijuana are grown in the rugged hills of central Jamaica. Significant cultivation has been spotted during aerial observation in nine of Jamaica's thirteen parishes.

Approximately 1,100 to 2,180 hectares of marijuana were under cultivation during 1985. Previous estimates of the projected crop were based on the assumption that Jamaican marijuana growers produced two harvests of equal size. As a result of the first spring aerial survey, carried out in April 1985, the U.S. Government now believes the spring crop is about one-fourth the size of the fall crop, although cultivation and harvesting continue year-round. Potential yield from this annual cultivation is estimated to be between 1,269 and 1,923 metric tons of marijuana. With reductions for spoilage, seizures, local use, and a stepped up government eradication effort taken into account, the amount estimated as available for export to the United States in 1985 was between 365 ahd 845 metric tons.

Marijuana cultivation takes several forms in Jamaica, depending on the type of terrain. The most potent form of the weed, sinsemilla, is typically grown in neat rows on mounds located in the wetlands of Negril or the Black River Morass. Cultivation of sinsemilla requires a substantial labor force, from the seedbeds, where the male plants are weeded out, to the pruning of the plants in their transplanted location. Wetlands cultivation is usually controlled by a broker rather than by individual farmers.

On the broad, open slopes of the Santa Cruz mountains and the Blue Mountain foothills, and in agricultural plains in St. Elizabeth, marijuana (known locally as ganja) is cultivated in fields ranging up to five hectares in size. In the hilly areas of central Jamaica, and in Westmoreland and St. James parishes, individual farmers plant small concentrations of marijuana (0.2 to 1 hectare in size) in valleys, on rocky hillsides and on hilltop plateaus. These areas are hard to locate and virtually inaccessible except by foot. Typically, the small-scale

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farmers, after harvesting their crop and drying it in makeshift sheds constructed near their fields, will sell it in bulk to a broker. The broker will compress the "ganja" and package it for shipment by boat or plane, including wrapping it to keep moisture out, if it is to be airdropped into water, or to disguise it if it is to be mixed with legitimate cargo shipments.

Marijuana is exported from Jamaica by a variety of methods including small aircraft; pleasure and fishing boats; mixed with cargo on commercial ships and airplanes; and in luggage or on the bodies of individual travelers on commercial aircraft and cruise ships which call at Jamaican ports. A small aircraft will commonly land at one of the two international airports, make arrangements with a broker, then depart Jamaica after making a brief, illegal landing at any of dozens of makeshift airstrips throughout Jamaica, on unguarded private licensed airstrips, or even at one of the four regional airfields.

Arrangements and payments for large quantities of marijuana are often made in the United States. Otherwise, payment is made in U.S. dollars in Jamaica at the time of transfer. Small quantities purchased directly from farmers or brokers can be purchased in local currency. Some large trafficking organizations in Jamaica are headed by well-known figures who channel a portion of their illegal earnings into legitimate business ventures. Most profits from the trade, however, are believed to remain outside Jamaica.

A sideline to the marijuana business is the production of hashish oil, primarily for the Canadian market. Approximately one ton of hash oil is believed to have been produced in Jamaica in 1985, primarily using old, stored marijuana and stems from recently harvested plants. Hash oil, because it is easier to transfer than bulky marijuana, is shipped via courier on commercial aircraft, or by means of seaplanes.

Increasing evidence of cocaine traffic in Jamaica is of particular concern to authorities both because of the threat to the local population, and because it involves foreign criminal elements. Some Jamaican traffickers are believed to have shifted to cocaine traffic because of the relative ease with which it can be shipped, in comparison to marijuana, and because of the large profits to be made. Some cocaine remains in Jamaica for local use, although most of it is transshipped through Jamaica from South America.

A.2. Accomplishments in 1985

Jamaica made major strides in 1985 to institutionalize a meaningful narcotics enforcement program focused jointly on eradication and interdiction. Key to the program was the creation in July of a joint Jamaica Constabulary Force (JCF)/Jamaica Defence Force (JDF) task force. The task force command developed eradication and interdiction strategies, determined resource needs, coordinated intelligence operations and resource deployment, and served as a liaison with United States Government agencies involved in narcotics enforcement activities.

Jamaica's expanded commitment to combat marijuana production was evident prior to creation of the task force, as the JCF narcotics squad eradicated more marijuana in the first five months of the year than in any previous complete year. The fall eradication campaign devoted three times the manpower to the effort than ever before employed, and the results were impressive. However, the expanded eradication effort was hampered by a lack of helicopters for transport and spotting, as well as problems of coordination between the JDF and the JCF, and heavy rains throughout the month of November which severely limited the mobility of the teams.

During 1985, the Government continued its efforts to deny traffickers access to Jamaican waters and airspace. In the spring, 31 illegal airstrips were rendered inoperable by the JDF, though many were rapidly rebuilt. Moreover, the four general aviation airfields were placed under military guard and control. With a new 106 foot patrol boat, purchased with Military Assistance Program (MAP) funds, and with operating funds supplied by INM, continuous maritime narcotics patrols began in mid-fall.

U.S. Customs officers instructed Air Jamaica and airport personnel at the two international airports on techniques to prevent the shipping of illegal drugs. The situation at Norman Manley International Airport in Kingston improved significantly following the course, but Donald Sangster International Airport in Montego Bay continued to be used regularly by traffickers, according to some reports. In December, Air Jamaica posted its first full time security officer at Sangster International Airport.

At the island's principal seaports, efforts were also stepped up to prevent the trafficking of drugs. Local police made numerous arrests of individuals boarding cruise ships with small quantities of marijuana. Customs agents using police dogs, interdicted several shipments of large quantities of marijuana placed in containers with legitimate cargo destined for the United States.

A.3. Plans, Programs and Timetables

Under Operation Buccaneer II, the operational plan of the joint narcotics enforcement task force, the JCF narcotics squad and a company of JDF soldiers committed themselves to a major eradication plan aimed at the 1985 fall crop. The joint approach is likely to continue into the spring of 1986 and beyond. The JDF will also attempt to disrupt trafficking patterns continuing to render inoperable illegal landing strips and by committing significant JDF airwing and coast guard resources to the interdiction of traffickers. This coordinated effort reflects the Government's perception of the trafficking problem as a threat to national security, since it involves the continual violation of Jamaica's airspace and territorial waters by criminal elements.

Four letters of agreement were signed with the United States during 1985. Under these agreements, INM provided funds to overhaul Coast Guard vessels; repair helicopters and fixed wing aircraft; provide fuel for these vessels and aircraft; provide eradication teams with brushcutters, radios, and other equipment; and cover some operational expenses of those forces committed to narcotics eradication and interdiction activities.

The Government in 1985 became more outspoken in its public condemnations of traffickers, especially those who attempted to exploit commercial transportation networks, and in asserting its commitment to eradicate marijuana cultivation. This commitment has been expressed by the Prime Minister and other Cabinet Ministers in international fora in Jamaica.

A.4. Adequacy of Legal and Law Enforcement Measures

The Dangerous Drugs Act of April 15, 1984 provides for penalties for possession, cultivation, sale, manufacture, import, and export of illicit narcotics.

Although the number of arrests on narcotics charges remained in the same range as in previous years, much wider publicity was given to many of the cases. Prison sentences and substantial fines were frequently meted out, especially in cases involving cocaine and heroin.

Both the Attorney General and court officials have called for stiffer sentences in narcotics cases. The hardnosed attitude of public officials made some dealers and traffickers wary of doing business as openly as in the past or without cash payments in advance from buyers.

Agencies involved in narcotics-related law enforcement activities include the Jamaica Defence Force, the Jamaica Constabulary Force, the Airport Authority, the Port Authority and Customs. Coordination of the police and military units involved in narcotics enforcement and eradication has improved, though difficulties continue. Local police units have also been enlisted in the marijuana eradication and interdiction effort, but resources and willpower are often lacking and corruption among police officials on the local level is a problem.

The Airport Authority, Air Jamaica (the national airline) and the Port Authority (seaports), are all under the authority of the Ministry of Public Utilities and Transport. Though short of funds, this Ministry initiated efforts to implement recommendations made by U.S. Customs officers who visited Jamaica at the Ministry's request in June 1985. Jamaican Customs, which comes under the Ministry of Finance, has become more aware of the marijuana export problem as shipments of fruits and vegetables, furniture and other manufactured items have been seized in the United States after they were discovered to contain marijuana.

Under Jamaica's Suppression of Crime Act (special provisions), law enforcement officers do not need a search warrant to enter on private property to seize contraband. Most marijuana discovered growing or drying is burned on the spot to avoid the possibility of corruption.

Narcotics enforcement training provided in past years by the U.S. Drug Enforcement Administration and U.S. Customs has provided needed instruction in basic skills. Police and customs officers have participated in training in the United States on a regular basis, and the training has been offered in-country. In FY 1986, U.S. Customs will again provide in-country training.

A.5. Drug Abuse Programs

There are no reliable figures on domestic consumption of drugs in Jamaica. Marijuana is used regularly by members of the Rastafarian Movement, and its use as a recreational drug is also fairly common among young adults. Cocaine usage, until recently almost unheard of in Jamaica, has become a cause for alarm, particularly in north coast tourist areas. A major island-wide drug epidemiology study of households and schools is currently in the planning stage and will be carried out during 1986.

The National Council on Drug Abuse (NCDA), formed in 1984, has the primary responsibility to conduct drug abuse education programs. It is currently developing a major drug abuse control and prevention program funded by the United Nations Fund for Drug Abuse Control. The program envisions the creation of parents groups in each parish, and the development of locally relevant educational materials for schools. The NCDA is also coordinating the epidemiology study, which is funded by the United States.

Separate drug treatment and rehabilitation facilities do not exist in Jamaica.

B.1. Nature of Illicit Drug Production

Marijuana is the only illicit drug cultivated and processed in Jamaica. From it are derived commercial grade marijuana, hash oil and small amounts of "finger hash", which is produced from resin gathered off the plants under cultivation. Occasional rumors of cocaine processing labs in Jamaica have not been confirmed.

Marijuana production was introduced into Jamaica in the 1830's by indentured Indian laborers and still bears its Indian name "ganja". It is used traditionally throughout Jamaica as a folk medicine, usually prepared as a tea. Several religious groups, chief among them the Rastafarians, consider marijuana a sacramental herb, and use it on a daily basis. Marijuana production has been illegal since 1913, but its cultivation has increased dramatically over the past twenty years.

B.2. Factors Affecting Production

Climatic conditions in Jamaica are excellent for crop cultivation throughout the year. Rainfall is predictable and usually sufficient. A drought in the spring of 1985 was partly responsible for the considerably reduced acreage under cultivation and was certainly a cause of reduced yields. Fields are irrigated in certain parts of the island. Jamaica's rugged terrain is well-suited to conceal cultivation of illicit crops. No area is far from the seacoast or from suitable landing areas for small planes, yet the myriad valleys and hills provide isolated land for cultivation of marijuana. Eradication teams can reach the crop only by helicopter or by difficult treks. Likewise, wetlands cultivation has been hard for the security forces to reach without helicopters.

From a geographical standpoint, Jamaica is well-suited for shipping marijuana production to the United States. Located approximately 600 miles south of Florida, small aircraft are able to transport loads of the crop to the Bahamas or across Cuba directly to the United States. Pleasure boats and small fishing vessels can reach the U.S. via the Windward Passage and Bahamian waters, or to the west via the Cayman Islands and the Yucatan Passage. Frequent direct commercial air flights and regular service by cargo vessels and cruise ships also facilitate the trafficking of marijuana to the United States.

Until recently, cultivation has been widely tolerated. During the 1970s and early 1980s eradication efforts were minimal, although some interdiction was carried out by the security forces. Marijuana grows quickly and easily, making it an ideal cash crop for the typical small farmer. As important sectors of the national economy have contracted in recent years, marijuana has been regarded as a relatively sure means to make a living.

In 1985, however, the anti-marijuana effort was larger than ever before, in part due to the international attention being paid to the problem of narcotic drugs. The media have been supportive of the Government's increased effort at narcotics control and have regularly criticized authorities for failing to prevent the export of marijuana in legitimate cargo and on the national airline.

B.3. Maximum Achievable Reductions

Total cultivation in 1985 is estimated to have been between 1,880 and 2,850 hectares, consisting of a large fall crop plus a much smaller spring crop hectarage total. This is estimated to have produced a gross potential yield of between 1,269 and 1,963 metric tons of marijuana. Factoring in an eradication figure of 955 hectares, 1985 production is thought to have been between 625 and 1,280 metric tons. Estimates in previous years had assumed that the spring crop was equal in size to the fall crop, but a 1985 aerial survey determined that the spring crop size was approximately 25 percent of the estimated fall cultivation in 1984, making direct comparison with 1984 estimates problematic.

In 1986, the Government of Jamaica can eradicate 45% of the crop if sufficient personnel and material resources are devoted to the effort. Assuming cultivation of the same amount of hectarage in 1986 as in 1985, eradication of the additional amount will reduce potential yield by roughly 75 - 100 metric tons for a net yield of approximately 860 metric tons, prior to reductions for spoilage, seizures, and local use.

B.4. Methodology for Estimates

Marijuana cultivation in 1985 probably did not differ much from 1984; however, previous estimates of crop cultivation have presumed equal cultivation in the spring and fall. The cultivation hectarage figures shown in previous year charts were a "per crop" hectarage total; annual crop estimates were made by multiplying net results by two to reflect two crops per year of equal totals. A spring, 1985 aerial survey showed cultivation of approximately 25% that of the fall crop. Although factors such as increased eradication, drought, and a possible over-supply of marijuana in the marketplace may have limited production, the information provided by the aerial survey suggests that 1984 total cultivation hectarage should have been approximately 2,700 (800 hectarares in the spring and 1,900 hectares in the fall), vs. the 3,800 hectares (1,900 for two crops) previously reported. Eradication figures for the year have also been revised to reflect updated information. Prior year figures in the charts below have been revised based on current information.

The 1985 cultivation estimates are based on aerial surveys conducted in the spring and fall of 1985. Yields were calculated at 675 kg/hectare; other figures are based on estimates provided by Jamaican and U.S. enforcement officials. It should be noted that 1985 net marijuana production is signficantly reduced from 1984 levels due to sharply increased eradication efforts by the Jamaican government. These efforts have resulted in total eradication in excess of 35% of the total crop vs. the roughly 10% eradication achieved in 1984.

It is impossible to accurately assess how much of the total cannabis production is used to produce hashish oil, primarily made from "waste" marijuana (eg. stems, etc.). Domestic and third country consumption figures are rough estimates.

Projections for 1986 are based on the assumption that the Jamaican government will maintain eradication activity at 1985 levels; eradication effectiveness will depend in significant measure on the adequacy of air support for narcotics control programs.

C.1. Statistical Tables

A SUMMARY TABLES

	1985	1986
Hectares Cultivated (Fall plus Spring)	1,880-2,850	1,880-2,850
mid-point	2,365	2,365
Hectares Eradicated	955	1065
Hectares Harvested	925-1895	815-1785
mid-point	1,410	1,300
Net Yield at harvest	625-1,280	550-1,205
mid-point	950	880
Loss Factor (.05)	30-65	30-60
Cannabis Seized in Country (MT)	80	80
Converted to Hashish	Unknown	Unknown
Hashish Oil Yield (MT)	1	1
Hashish Oil Exported Elsewhere (MT)	1	1
Marijuana Available for Consumption (MT)	515-1,135	440-1,065
Marijuana Consumed Locally & elsewhere (MT)	150-290	150- 290
Marijuana Exported to USA (MT)	365-845	290- 775

B DATA TABLES

	1987	1986	1985	1984	1983
Cultivation (HA):					
Cannabis (midpoint)	2,365	2,365	2,365	2,575	1,822
Gross Potential (MT):					
Cannabis (midpoint)	1,595	1,595	1,595	1,740	2,460
Hectares Eradicated:					
Cannabis	1,065	1,065	955	260	350
Crops Eradicated (MT):					
Cannabis	720	720	645	175	229
Net Yield (MT):	875	880	950	1,565	--
Refining (MT):					
Hashish Oil	1.0	1.0	1.0	.7	.3
Arrests:					
Nationals	-	-	2,272 (thru Sept.)	3,980	3,837
Seizures:					
Cocaine	1.0	1.0	0.4	0.4	0
Cannabis	85	85	80	205	86

Domestic Consumption:
(Figures not available.)

Users:
(Figures not available.)

PART D

See Appendix.

E. Resource Estimates

The current inventory of brushcutters should be adequate for projected eradication efforts; however, additional funds will be required for operating support costs, including labor costs, spare parts and maintenance, and helicopter operations. These costs will place heavy demands on limited Jamaican government resources, and U.S. assistance will likely be required. A specific level of required U.S. funding has not yet been defined, pending definition of 1986/87 objectives and plans.

BURMA

A.1. Status of Illicit Narcotics in Burma

The primary U.S. narcotics control concern in Burma is the illicit production of opium and its derivatives. Burma remains one of the world's largest producers of illicit opium. While the ability to estimate the Burmese opium crop has improved somewhat, uncertainties remain which make it difficult to estimate accurately areas under cultivation and yields. Among the basic problems is the fact that the Socialist Republic of the Union of Burma (SRUB) does not have effective control over most of the the primary growing areas. The SRUB's inability to enter these insurgent-ridden areas makes it almost completely dependent upon aerial photography to arrive at crop estimates. Historically, this has resulted in very high estimates which did not equate with the amounts of illicit opium estimated to be reaching refineries or being consumed locally. In 1985, however, gains were made in resolving this problem and better estimates of production and refining are available.

The growing season in Burma spans portions of two calendar years, from September to March. For statistical and reporting purposes, the September 1984-March 1985 growing season will be reported as the 1985 crop.

Opium production for 1985 is estimated at 424 metric tons (after eradication). Based upon the best information available, 1985 cultivation is believed to have been approximately 71,000 hectares with an average yield of 6.9 kilograms per hectare. This yield, sharply affected by adverse weather, is down from a customary yield of 9.68 kilos per hectare. SRUB estimates are limited to production in areas under government control and consequently are lower than U.S. estimates, which include all of Burma. The SRUB estimates the 1985 crop at 27,000 hectares with an average yield of 9.68 kilograms per hectare. We estimate that 60 to 70 percent of all cultivation is in insurgent-held areas.

The major growing areas are located in the Shan State, and the largest percentage of refineries are located close to the Shan State's border with Thailand. The Burma Communist Party (BCP) controls the largest area. There are also reports of increasing numbers of refinery locations north of the traditional border area in BCP-controlled territory, and of as many as 13,000 hectares of poppy cultivation in the Kachin State northwest of Myitkyina, with smaller plantings in the

Chin and Kayah states. These areas are known to have a poor yield and almost all the total production is consumed locally.

The Thai/Burma border continues to be the major outlet for illicit narcotics, with an estimated 80-85% of all opiates passing through that area into the Thai and international markets. However, increased seizures of both narcotic drugs and precursor chemicals demonstrate the growing importance of subsidiary cross-country routes into India. Seizures show that the cross-country Indian route is supplying large quantities of the chemicals needed by the refineries. There are additional subsidiary routes into the Tennasserim, but it does not appear that these routes are used to move significant quantities of illicit drugs. Continued pressure on the Thai/Burma border areas by the Thai and Burma armies could intensify the trend toward these alternate routes.

Illicit narcotics leave Burma in various forms, which include raw opium, pitzu (impure morphine base), morphine base, impure heroin base, and heroin No. 4. It is estimated that approximately 220 metric tons of the estimated 424 metric tons produced in 1985 were processed into either morphine base or heroin. Of this amount, we estimate that three to four metric tons of refined narcotics were produced in up-country refineries and that approximately 18 metric tons of refined narcotics were produced in the Thai/Burma border area. Of the remaining 270 tons, it is estimated that 20 metric tons moved out of the country through southern Thailand in the form of raw opium while 40-45 metric tons of opium moved into China, India, Bangladesh, and international sea shipments.

The refined products moving across the Thai/Burma border are purchased by long-established Sino/Thai traffickers. Indian traffickers are the purchasers on the Burma/India border, although they are not nearly so well established as the seasoned dealers in Thailand.

Because of the poor crop year and the serious disruption of drug and chemical movements, the price of refined narcotics at the Thai/Burma border has reportedly risen sharply. Continuing fighting among insurgent groups, intensified pressure by the Burma Army and Thai forces, and improved enforcement activity on the part of the Burmese People's Police Force (PPF) have all contributed to the disruptions and resultant price increases.

The insurgent groups have different origins. Some are ethnic separates like the Kachin, Lahu and other groups; others are profit-oriented warlord smugglers like Chang Chi-Fu (aka Khun Sa) of the Shan United Army (SUA) and Mo Hein of the

Tai Revolutionary Army (TRA), which is a consolidation of the former Shan United Revolutionary Army (SURA) and the Shan State Army South (SSA). The BCP started as ideological revolutionaries with Chinese support. The border area alignment of the various groups continues to be extremely fluid. Whatever the professed political motives of the insurgent groups, almost all are involved in the growing, refining, or trafficking and direct sales of heroin.

The dominant trafficking organization along the Burma/Thai border-- the SUA-- consolidated its hold on the area from the northwest corner of Thailand's Mae Hong Son Province in the west to Mong Kan in the east, roughly 16 miles from Tachilek, Burma. Although the SUA remains under considerable military pressure from its trafficking rivals as well as from the Burmese and Thai Armies, it remains a well-armed and well-situated organization.

With the exception of the BCP, the insurgent/trafficking groups in Burma have no institutional ties outside the country. Although the BCP claims an ideological alignment with the international communist movement, recent years have seen the organization shift to a more concentrated involvement in drug trafficking. None of the existing insurgent groups are viewed as potential threats to the stability of the central government. They do represent a constant drain of material and human resources, which has a great impact on the government's ability to deal with other national problems.

A.2. Accomplishments in 1985

The Burmese Government is committed to eliminating illicit narcotics production and destroying the organizations involved since the narcotics trade feeds the insurgency. Highlights of the SRUB strategy include the annual "Hellflower" campaigns in which police, army, and civilian personnel move into the opium-growing areas to eradicate the crops manually, and "Mohein" military operations against heroin refineries. Many lives are lost each year in this effort. During 1985, the SRUB reported over 100 of its personnel killed in action in narcotics-related actions.

The reported destruction of 9,551 hectares in last year's annual "Hellflower" operation is the highest annual destruction reported since the USG/SRUB protocol of 1974. The campaign was concentrated in the Shan State with some eradication in the Chin and Kachin states as well.

On February 24, 1985, the Burma Army launched the "Mohein IX" operation against heroin refineries in the border areas.

The campaign lasted until March 15. Twenty insurgents were reported killed, many were wounded, and some arms, supplies, chemicals, and numerous opium refining paraphernalia were seized. Due to the ruggedness of the terrain and the lack of mobility and logistical support (a problem which continues to plague the Burma Army), the narcotics stocks had been removed from the refinery sites prior to the attacks. However, four refineries were reported captured and destroyed.

Sustained actions by the Burma Army throughout the year and increased activity and effectiveness of the PPF resulted in a steady increase in large seizures of illicit narcotics and refining chemicals in 1985. Available figures indicate that 2,015 kilograms of opium, 60.5 kilograms of heroin, 837 kilograms of morphine base, and 700 gallons of acetic anhydride were seized during the first eleven months of 1985.

A.3. Plans, Programs and Timetables

To accomplish its narcotics suppression program, the SRUB emphasizes action in five areas: limiting and reducing opium production; preventing the movement of narcotics from producing areas to processing centers and foreign markets; striking at processing centers and trafficking organizations; substituting other forms of income for the raising of poppies; and reducing Burma's domestic demand for narcotics.

Since the SRUB does not control most of the growing, trafficking, and refining areas, it is difficult to establish an exact timetable for the reduction of the narcotics problem. The SRUB's primary focus is to limit the production in those areas under government control and to conduct major military operations into insurgent areas to disrupt the process as much as possible. Significant actions taken by the SRUB during 1985 which can help accomplish these goals include:

- The SRUB decision in March 1985 to enter into a poppy aerial eradication program with USG assistance.

- The training of nine Burmese pilots in agriculture spraying techniques to support the aerial eradication project.

- Continued participation in U.S. maintenance training courses by Burma Air Force personnel responsible for maintenance of INM-supplied aircraft.

- A successful Executive Observation Program for SRUB senior officials who will have key roles in the aerial eradication project.

- The training of 12 Burmese in a special course designed for the PPF force managers at the Federal Law Enforcement Training Center in Glynco, Georgia, and the subsequent deployment of the PPF task forces in November, 1985.

Despite our inability to provide accurate timetables for projected, progressive elimination of the opium crop, we believe that the decision to begin a full-scale aerial eradication program and the initiation of the Police Enhancement Program will significantly affect drug production and trafficking.

A.4. Adequacy of Legal and Law Enforcement Measures

The Narcotics and Dangerous Drugs Act of 1974 provides stiff penalties and legal sanctions against every aspect of narcotics production, processing and cultivation, including:

- 1] For the cultivation, manufacture, possession, and transportation of narcotics or the unauthorized transfer of prescribed drugs: 5-10 years' imprisonment, Kyat 10,000 fine (about $1,333 at the official exchange rate), plus the destruction of crops and the seizure of related equipment.
- 2] For processing: 10 years to life imprisonment, Kyat 50,000 fine, plus seizure of narcotic drugs and equipment;
- 3] For the import or export of narcotic drugs or materials relating to narcotic drugs, or sale: 10 years' to life imprisonment or capital punishment, Kyat 50,000 fine, plus seizure of narcotic drugs or contraband.
- 4] For accepting bribes: 5-10 years' imprisonment.
- 5] For using narcotics: 3-5 years' imprisonment.
- 6] For the failure of addicts to register: 3 years' imprisonment.

Burmese enforcement agencies have had limited success in enforcing the various provisions of the narcotics law. When offenders are apprehended and convicted, however, the courts often impose severe sentences. In September and October, 1985, Burmese courts handed down eight death sentences for drug trafficking.

In addition, the SRUB has established a system of rewards for information leading to the arrest of narcotics users and

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traffickers and seizures of narcotic drugs. There is no legal use of heroin in medical treatment or experimentation.

Burmese anti-narcotics efforts are coordinated by the Central Committee for Drug Abuse Control (CCDAC). The CCDAC is chaired by the Minister of Home and Religious Affairs, U Min Gaung, with Deputy Minister Colonel Khin Maung Win serving as secretary. Deputy Ministers from six other ministries are represented as well as the heads of various sub-committees. The CCDAC establishes policy and coordinates anti-narcotics activities throughout the country.

The principal SRUB enforcement agencies are the PPF, the Army and the Air Force. Subsidiary agencies involved in narcotics control are the National Intelligence Bureau (NIB), the Directorate of Defense Services Intelligence (DDSI), the Bureau of Special Investigations, the Customs Service, and the security and investigative arms of the Burma Socialist Program Party and local People's Councils.

The SRUB recognizes that narcotics-related corruption is a problem, and takes steps to deal with it.

There are no third country narcotics control offices stationed in Burma. UNFDAC has a representative assigned to manage its programs.

Anti-narcotics training is included in the basic training given by the People's Police Force. However, the instruction is inadequate and there is a need for updated training materials. A U.S. training evaluation team visited Rangoon in December 1984 to develop a syllabus to support the PPF Enhancement Program. This training was subsequently conducted for 12 Burmese participants in the U.S. In addition to the special course for the Enhancement Program, U.S. training in 1985 included sending 4 PPF officers to the DEA Advanced International Drug Control Officer's Academy at Glynco, Georgia, and the senior SRUB planners' Executive Observation Program.

Both the SRUB and the USG recognize that there is an urgent and continuing need for drug enforcement training to enhance PPF capabilities. Additional U.S. training is projected in 1986.

A.5. Drug Abuse Prevention, Treatment and Rehabilitation Programs

Preventive education is carried out by both the Ministry of Education (school lectures, exhibitions, and competitions) and the Ministry of Information (newspapers and publications, radio and television programs). The Ministry of Health is responsible for drug treatment and detoxification. The Ministry of Social Welfare is primarily responsible for the drug rehabilitation program, although a number of other ministries have contributed resources to rehabilitation centers.

The Ministry of Health supervises 26 treatment and detoxification centers with a combined capacity of over 700 beds: 100 beds at the Rangoon Psychiatric Hospital, 25 beds at the Taunggyi Sao Sam Htun Hospital, 50 beds at the Myitkyina State Hospital, 30 beds at the Pekon Treatment and Rehabilitation Center, 300 beds at the Thayet Hospital, and 10 beds each at 20 other township hospitals. Heroin addicts are provided 10 weeks of detoxification treatment. The estimated annual capacity is 3,500-4,000 addicts.

Under the "country help program", opium addicts are treated as outpatients within their own communities. There are small voluntary rehabilitation centers that provide vocational training to opium addicts at Kengtung, Namlat, Rangoon, Sakantha, Mandalay, and Myitkyina.

The SRUB used methadone in treatment of heroin addicts until 1979, and has also experimented with "cold turkey" detoxification and acupuncture. Each has been judged to be ineffective because of the high recidivism rate. Detoxification by the "cold turkey" method had the additional disadvantage of deterring relapsed addicts from returning for treatment. Acupuncture was found to be somewhat effective for Chinese addicts. Since 1979, health authorities have relied primarily on domestically manufactured drugs for detoxification treatment.

The SRUB conducts a continuous, intensive program of narcotics information in schools and through news media and posters. The dangers of narcotics are regularly stressed at anti-narcotics mass rallies and public and party indoctrination sessions.

While a growing domestic addiction problem was a major catalyst in the 1974 Burmese decision to establish an active narcotics control policy, the SRUB now believes that the addiction rate has stabilized and that heroin addiction has been reduced. Addicts in Burma are required by law to register. After registration, treatment and rehabilitation are compulsory. According to the Ministry of Health, 44,557 drug addicts were registered from 1974 to 1984. Out of this total, there were about 8,000 heroin addicts, 31,500 opium addicts and 5,000 others, primarily polydrug abusers. A large number of persons addicted to opiates are not registered. Some observers estimate that the total number may be three times higher than the registered number.

It is impossible to make a realistic estimate of the amount of illicit drugs consumed, but commonly accepted estimates use the figure of one kilogram of opium or equivalent per addict per year. Assuming 120,000 narcotic addicts in Burma, internal opium consumption would total 120,000 kilograms each year.

B.1. Nature of Illicit Drug Production

Burma is one of the world's major opium growing areas, producing approximately 490 metric tons gross (424 mt net) in the 1984/85 season. Opium has historically been grown by the hilltribes. However, the current level of production can be attributed to the entry of the various insurgent groups into the international drug trade to support their activities.

Most refining locations remain near the Thai/Burma border. Several have been documented in the areas controlled by the BCP, the SUA, and the Kachin Independence Army (KIA).

There is no licit production of opium, coca, methaqualone, cannabis, amphetamines, barbiturates, or precursor chemicals in Burma. The SRUB has no plans to initiate licit production.

In the growing areas, narcotics are a major part of the local economy. Farmers grow opium poppy for a variety of motives: to supplement an already adequate disposable income, as a principal cash crop to raise living standards above the subsistence level, or in response to coercion by insurgents. In BCP-controlled growing areas, there are numerous reports of farmers being forced to grow opium at the expense of food crops. Plots are marked off, security and inputs such as fertilizer are provided, and taxes are collected on the production. There are reports that the BCP has established an agricultural loan program under which cash loans are made to farmers based upon the number of acres put into opium cultivation. All of the crop must be sold to the BCP at its established price.

There are no reliable figures on what percentage of the annual production remains in Burma for local consumption, but estimates range as high as 20 percent.

B.2. Factors Affecting Production

Opium is cultivated primarily in northern and eastern Burma, mainly in the Shan, Kachin, and Ayah States. Some is grown in areas of the neighboring Karen State and Mandalay Division and in the Chin State. The Shan plateau, extending almost the full length of the Shan State with an average elevation of 1,000 meters, is the principal poppy growing area. It is mountainous throughout with some peaks over 2,500 meters. The small poppy fields range in size from 0.1 to 4.0 hectares and cover an area roughly the size of Louisiana. In addition to fields in more inaccessible areas, fields are often clustered near villages.

Two subcontinental monsoons dominate Burma's tropical climate. The southwest monsoon brings the rainy season which extends from June to October. During this period, the Shan plateau receives approximately 90% of its annual 80 inch rainfall. The annual mean temperature is 80 degrees. Except for periods of drought, the terrain and climate are near the world's best for poppy cultivation.

Burma is the most ethnically diverse country in Southeast Asia. The dominant ethnic group, the Burmans, represent approximately 72% of the population. The principal ethnic minorities are the Karen (7%), Shan (6%), Indian (6%), with Chinese (3%) comprising the remainder. Burma's history since independence is one of continual struggle between minority ethnic groups and the predominately Burman central government.

Narcotics is a part of a larger pattern of illicit exports from Burma to its neighbors, notably Thailand, China, and India. This trade also includes jade and other precious stones, teak, antiques, concentrated ore, cattle and agricultural commodities, marine products, and a wide variety of other goods.

It is clear that much of the money generated by the illicit narcotics trade is mixed with and "laundered" through other illegal black market activities such as currency exchange and gold trading. In an attempt to address this problem, the SRUB demonetized the 100 Kyat note (the largest bill issued by the Burmese Government) in November 1985, and subsequently replaced it with a newly issued 75 Kyat note. While it is too early to assess the impact of this move against the "shadow economy" and more particularly the narcotics trafficking portion, early reports indicate that the traffickers have been hurt, at least temporarily.

At this time, the SRUB has no substitute crop which would encourage the farmer to turn away from opium. The lack of farm-to-market roads does not pose a problem for marketing this principal cash crop. The farmer never has to leave his land to market the opium: buyers deliver the seed and pick up the crop.

B.3. Maximum Achievable Reductions

Through aerial eradication and increased PPF and Army activities, we look forward to a significant reduction in opium production over the long term. However, because the major poppy cultivation, refining, and transporting activities occur in areas which the SRUB does not control, we can project near-term impacts of eradication and interdiction operations, but cannot accurately project sustained reductions in illicit drug production in the near future. The more successful the SRUB efforts are in areas it controls or contests, the more illicit narcotics activities are moved back into areas that are not accessible to the Government.

The weather has been one major variable and in 1985 helped produce a smaller crop. With better weather, 1986 and 1987 may see production increases. New factors such as aerial eradication may alter these projections, but it is too early to assess how much the overall production can be lowered by this initiative.

The 1985-86 growing season will be the formative period for the new aerial eradication effort. We view this year as one in which to gain experience which will help establish a framework for the future, in which we can forecast increasingly larger eradication objectives. The success of this year's effort will not be measured only by the quantity of opium poppy destroyed but by how strong a framework is created for an all-out effort next year. Since aerial spraying will permit the SRUB to strike areas which have previously been inaccessible, we expect to see a significantly increased amount of opium eradicated.

B.4. Methodology for Estimates

The estimates given for annual reductions are based on official SRUB reports and other sources in areas under government control.

C.1. Statistical Tables

Opium/Heroin	1985	1986 (est)
Hectares cultivated	71,000	75,000
Hectares eradicated	9,551	15,000
Hectares harvested	61,449	56,000
Opium yield (gross)	490 MT	532
Loss factor (10%)	49 MT	53MT
Opium consumed	135 MT	135MT
Opium seized	2.015 MT	3MT
Opium exported	60-65 MT	60-65MT
Available for refining	180-185 MT	276-281
Heroin produced	15-15 MT	23-23.4 MT
Heroin seized in country	0.06 MT	0.08 MT
Heroin consumed in country	0.30 MT	0.30 MT
Heroin exported to U.S.	0.80 MT	0.80 MT
Heroin exported elsewhere	13.4-14.24 MT	21.82-22.2 MT

The above summary table is based upon incomplete information. It is not possible to account for portions of the opium crop, part of which is undoubtedly stored for future marketing. Some observers believe that domestic opium consumption may be two to three times higher than estimated.

Estimates shown are for refined narcotics, which could be in the form of heroin, heroin base or morphine base. available data do not permit a further breakdown.

D. Status of US Assistance

See Appendix

E. Resource Estimates

Burma will receive $5.65 million in FY 1986 and $8.82 million has been requested for FY 1987. With the initial success experienced with the aerial eradication, it is estimated that significant amounts of the opium production can be eliminated with the recently introduced spray technology.

HONG KONG

A.1. Status of Illicit Narcotic Production/Trafficking

Hong Kong is not a producer of illicit narcotics. However, it has a large heroin abuse problem and is a significant refiner of heroin base into number three heroin (smoking heroin). It is a major transit point for narcotics from Southeast Asia. One of the world's major banking centers, Hong Kong's lack of currency controls and banking secrecy laws make it attractive to narcotics traffickers.

The drug of choice among Hong Kong users continues to be number three heroin. Both heroin prices and purity dropped toward the end of 1985. At the end of October 1985, the price of a gram of number three was $7.89, a slight rise from $7.11 at the end of August, but well below the $20 per gram price reached in 1984. Heroin purity was running at about 15 percent, far below the 21 percent level which prevailed during 1984 and well below the 17-19 percent level which held for most of 1985. The recent seizure of 40 kilograms of heroin and of a heroin laboratory may account for the low purity. Overall, however, seizures in 1985 were only about one-fourth of 1984 levels.

Most Kong Kong addicts have switched from opium to number three heroin. Opium is still imported and used, though in insignificant amounts. During the first nine months of 1985, Hong Kong authorities seized 59 kgs. of raw opium and 22 kgs. of prepared opium.

There was a noticeable upswing of hashish and cannabis use in Hong Kong during 1985. Some of the cannabis resin imported into Hong Kong comes from Nepal. A kilogram of Nepalese cannabis resin costs as much as a kilogram of number three (smoking) heroin. Hong Kong authorities also believe that some cannabis enters from Macau. The HK police have arrested several Americans for importing small quantities of cannabis from Macau.

The South China Post, Hong Kong's leading English-language newspaper, has twice in the last year alleged that cocaine abuse in Hong Kong is increasing. The police have said that they have no evidence that would support such assertions and point to cocaine seizures of only 140 grams during the first nine months of 1985. The Post focused on those with ties to the U.S., wealthy Chinese, students attending United States universities, and expatriates, and is probably justified in its conclusion that cocaine use is growing among these elite groups. Frequent travellers to the United States, these groups are usually the first to bring United States practices into Hong Kong. Importing small quantities of cocaine from the United States would be relatively easy, as the authorities generally do not closely check passengers arriving on flights from the United States. Cocaine use by these groups would be relatively difficult to detect, as its members have not hitherto been associated with drug abuse. At present, however, there is no evidence beyond the Post allegations that Hong Kong has a widespread cocaine problem.

The only other drugs in evidence are amphetamines. The Hong Kong Government seized 10.7 kgs. of amphetamines in a case involving Japan, Taiwan, and Hawaii as well as Hong Kong. Though a defendant in the case said that the amphetamines had been produced in Hong Kong, the authorities claimed they were of Taiwan origin. Also seized were 1.7 kgs. of methaqualone powder and 7,245 pills, all of which were produced in China, according to Hong Kong authorities.

The Hong Kong authorities believe that most heroin which enters the territory is consumed there. Because of the low prices prevailing during most of 1985, however, heroin and heroin base were probably exported to North America, Europe, and Australia. While the traditional exporters are Chinese and often members of a syndicate, among the new Hong Kong exporters are the Nepalese, many of whom have served in Hong Kong with a Gurkha battalion. A Nepalese trafficker arrested in the United States in the summer of 1985 was carrying the names of several Gurhkas stationed in Hong Kong. In August, six Gurkhas stationed in Hong Kong were arrested in London and charged with importation of heroin or cannabis. In addition, the Des Moines (Iowa) police arrested a former Hong Kong Gurkha, charging him with importing heroin.

Because the Hong Kong authorities enjoyed an extraordinarily good year in 1984, when they seized over a metric ton of heroin and heroin base, traffickers have apparently begun to take more care in varying their methods. The Hong Kong authorities believe that narcotics importers are now bringing in smaller shipments, travelling more frequently to Bangkok to reorganize routes and methods, and taking care to use public phones in order to avoid wiretaps. They are also using fake passports, usually Bolivian, Portuguese, Filipino, Thai, or Singaporean. Traffickers choose those nationalities because all of the countries involved have large Chinese populations.

Smugglers have begun buying two airline tickets to avoid immigration watch lists. A courier will go through immigration with a ticket for one flight and then board another plane using a different ticket for a different flight. Because another member of the gang obtains the boarding pass for the second flight, tracing the courier becomes extremely difficult.

Another trend is toward use of younger couriers to deliver narcotics to buyers. These young men are usually candidates for Triad groups in Hong Kong who are assigned to carry narcotics as a means of proving themselves. The risk to them is not great, as in most areas of the world they would receive minimal, if any, sentence if arrested.

Traffickers use Taipei, Tokyo, Singapore, Seoul, and Manila as staging areas or cities of "origin" for the second leg of the smuggling run from Bangkok. Traffickers are choosing to enter the United States at interior cities such as Chicago, in addition to the more traditional gateway cities such as New York, San Francisco, or Los Angeles. With the addition of several United Airlines routes from Asia, Seattle may also see an increase in trafficking.

There is no evidence of any terrorist organizations operating in Hong Kong, in drug trafficking or in other criminal areas. Hong Kong does, however, have a well-organized criminal community populated by syndicates, generally referred to as Triads. These organizations are playing a role in narcotics trafficking. Hong Kong Triads were involved in several international cases during 1985, including one involving Taiwanese and Japanese criminal organizations. Hong Kong authorities have cracked down on the Big Circle gang, a Triad-type criminal organization in Hong Kong. Although most of the allegations concerning the gang's activities relate to murder, extortion, and armed robbery, there is good reason to believe that the gang has been trafficking in narcotics as well.

During the last months of 1985, members of Hong Kong's legislative council began asking serious questions about Triad activities in Hong Kong. In particular, councilors have questioned the Hong Kong Police decision to disband its Triad bureau in 1977. As a result, in an effort to dent Triad influence, the Hong Kong Government is now preparing anti-Triad legislation modelled on U.S laws aimed at combatting criminal conspiracies.

Hong Kong's reputation as a financial center for the drug trade continues. That narcotics traffickers do some of their banking in Hong Kong is not surprising: Hong Kong is the third leading financial center in the world and the leader in Asia.

Because of bank secrecy laws and the lack of currency controls in Hong Kong, narcotics traffickers, as well as thousands of others, find it convenient to bank in Hong Kong. The fining of the Crocker National Bank of San Francisco for failure to report cash transactions of $3.9 billion over the past four years had repercussions in Hong Kong, as six Hong Kong banks were named as having transferred $3.43 billion of the total. Although U.S. officials implied that this may have been narcotics money, Hong Kong bankers were quick to point out that the transfers came at a time when uncertainty over Hong Kong's future was at its highest and to plead that, given the circumstances, the amounts were not excessively large.

A.2. Accomplishments in 1985

The Hong Kong Government maintains an efficient registry of drug abusers. Using a computer and gathering data from both treatment and enforcement agencies, the government has identified 50,000 heroin users in Hong Kong. The 50,000 represent a fairly serious problem in a city of 5.5 million. The Hong Kong Government estimates that these addicts consume approximately nine million metric tons of heroin per year. Thus it is the government's belief that most of the heroin imported into Hong Kong is consumed there.

The government's strategy is to push users into treatment programs by raising street prices to unacceptably high levels. The Hong Kong Government offers three separate types of programs, including mandatory treatment run by the Corrections Department, methadone maintenance handled by the Medical and Health Department, and in-patient treatment conducted by the Society for the Aid and Rehabilitation of Drug Abusers (SARDA). In addition, there are numerous programs offered by private organizations.

The government also attempts to reduce demand through an extensive educational program utilizing schools, television, radio, and wall posters. The Hong Kong Government, through the schools, offers educational programs concerning heroin abuse to children at all levels. The television campaign is a series of hard-hitting and effective public service announcements. The posters also offer a realistic portrayal of the dangers of narcotics abuse. Surveys of young drug abusers appear to indicate that the program is having an impact, as the numbers of young people taking to drugs seems to be declining.

A.3. Plans, Programs, and Timetables

The Hong Kong Government has a four-point program to combat narcotics. The Government relies on enforcement by the police and by the Customs and Excise Service to keep the availability of heroin to a minimum. By doing so, the Hong Kong Government hopes to raise the price of heroin high enough to force addicts to seek treatment. The Hong Kong Government also conducts extensive educational and media programs designed to discourage drug use. Finally, the Hong Kong Government cooperates internationally in the fight against narcotics abuse.

The Hong Kong Government program works well. The police and customs enforcement arms are well-trained, highly-motivated, and efficient. At times, they have had great success in forcing addicts into methadone programs by driving up the street prices. The educational programs are very effective; there is evidence that drug use among young people is not increasing and may actually be declining.

A.4. Adequacy of Legal and Law Enforcement Measures

Hong Kong enforcement authorities have not matched their astonishing effort of 1984, when they seized more than 1,300 kgs. As one metric ton of this total was heroin base, which could be converted to yield three to four times its weight in heroin, the 1984 seizures were the equivalent of at least three metric tons of heroin. As noted above, the success of enforcement efforts in 1984 apparently caused traffickers to change their tactics. The largest seizure during the first 11 months of 1985 was of 90 kgs. of heroin. There will inevitably be a delay while the authorities develop intelligence and revise their strategy to counteract the new methods which the traffickers appear to have adopted.

By the end of September 1985, Hong Kong police had seized 125 kgs. of heroin base, 165 kgs. of number three heroin, and five kgs. of number four heroin. Extrapolating from these figures, one can estimate that heroin seizures in 1985 ran about 70 percent behind the 1,300 kgs. seized in 1984.

The police recently proposed that the legal department draw up legislation that would enable the authorities to freeze the wealth accumulated from criminal activities. This would not be seizure-of-assets legislation, but merely laws permitting the freezing of assets while the police continue their investigations. Such laws would cause suspects fleeing prosecution in Hong Kong to lose the use of any Hong Kong-based assets.

In 1984 the Hong Kong Government passed laws which significantly increased the ability of U.S. law enforcement agencies to gain access to Hong Kong banking information. Through a court-to-court procedure, U.S. authorities may now receive information needed for investigations in progress. Previously, Hong Kong courts would cooperate only when a suspect was actually being prosecuted. Unfortunately, this new procedure is not well understood as yet by prosecutors in the U.S. and has been utilized only a few times in the past year. The U.S. law enforcement agencies represented at the Consulate General in Hong Kong are now attempting to disseminate information on the Hong Kong laws in the U.S. so that better use can be made of them.

The Hong Kong Government is now preparing seizure-of-assets legislation for use against narcotics traffickers. Although the government is not yet ready to present a bill to the Legislative Council, Governor Youde noted in his annual "state of the territory" message that this legislation is under consideration, thereby underlining the seriousness of the Hong Kong Government's commitment to finding a formula for such legislation which will will be appropriate for Hong Kong.

PART B Not Applicable.

C.1. Statistical Tables

	1987	1986	1985	1984	1983
Refining (metric tons):					
Heroin	3.8	3.8	3.4	3.4	3.0
Seizures (metric tons):					
Opium	0.060	0.070	0.108	0.056	0.100
Heroin	0.800	0.600	0.400	1.300	0.710
Cocaine	0.00014	0.00013	0.00014	0.00025	n/a
Marijuana	0.300	0.200	0.200	0.025	0.0073
Cannabis	0.095	0.085	0.075	0.055	0.003
Arrests:	12,500	12,000	12,000	11,206	11,224
Labs destroyed:					
Heroin	7	6	5	9	11
Domestic Consumption (metric tons):					
Opium	0.5	0.5	0.5	0.5	0.5
Heroin	9.0	9.0	9.0	9.0	8.0
Marijuana	0.8	0.7	0.6	0.5	0.5
Other drugs	0.3	0.2	0.1	0.075	0.05
Cocaine	0.3	0.2	0.1	0.04	0.20

Users:					
Opium	2,000	2,000	2,000	2,000	1,000
Heroin	50,000	50,000	50,000	50,000	50,000
Cocaine	800	500	300	n/a	n/a
Cannabis	1,300	1,000	500	350	175
Marijuana	3,500	3,000	3,000	3,000	1,000
Other drugs	1,500	1,250	1,000	900	800

INDONESIA

A.1. Status of Illicit Narcotics Production and Trafficking

Indonesia is a cannabis producer and a transit point for Southeast Asian opium derivatives. Indonesia produces large quantities of cannabis, or "ganja", in several parts of the country. Small scale processing of ganja to hash oil apparently occurs only in Aceh and Medan. There are no precise crop estimates or estimates of the amount of hash oil produced in the country.

Although much of the illicit production is consumed locally, Indonesian ganja's high tetrahydrocannabinol (THC) level (9-14 percent) attracts export markets in the Netherlands, Malaysia, Singapore, and especially Australia and New Zealand. Some ganja may find its way to the U.S. Ganja leaves the country in dried-leaf form by every means of transportation available.

Indonesia does not produce opiates, amphetamines, barbituates, methaqualone, or precursor chemicals. Since mid-1984, there have been no reported cases of coca production. Small amounts of cocaine, apparently imported by Australians returning from South America, are believed to be available for purchase in Bali and Jakarta. According to the National Police Narcotics Operational Command (NOC), the street price for cocaine has remained constant for several years.

Evidence continues to accumulate that Indonesia is used as a transit point for illicit drugs from the Golden Triangle and other areas. Indonesia's archipelagic geography and miles of unpatrolled maritime borders make transportation by a wide variety of sea and air vessels possible. The primary modes of drug transportation have been commercial aircraft, inter-island and larger cargo vessels, fishing and luxury sea craft.

According to police, the major heroin trafficking route through Indonesia originates in Penang, Malaysia, moves into the country through northern Sumatra and then to Jakarta, Surabaya and Bali. From Bali, most heroin and other drugs (primarily ganja) travel by commercial airflights or private vessels to Australia, New Zealand, Western Europe and, to a lesser extent, the United States. The amounts surfacing in U.S. markets do not appear to be significant.

Little information exists concerning traffickers. Police believe ethnic Chinese are involved, especially those living in the Riau Islands, located between Sumatra and Singapore, and in fishing communities along the western coast of Sumatra. These areas are located along traditional smuggling routes, and narcotics traffickers appear to have exploited pre-existing local networks to move their products. Others involved in narcotics trafficking include truck drivers moving south from Aceh and across Java to Bali, bus drivers and passengers using the same routes, and commercial airline passengers flying from Medan to Jakarta and on to Bali. Foreigners, especially Western Europeans, appear to be involved in moving most narcotics out of Bali to their ultimate destinations.

Over the long term, increased air links with developed countries (including the United States), efforts to encourage tourism (with easier, visa-free tourist access), and changes in customs inspection procedures could all contribute to increasing use of Indonesia as a narcotics trafficking transit point.

A.2. Accomplishments in 1985

The year 1985 saw heightened public awareness of the narcotics issue. Security officials treat narcotics and trafficking as a major long-term threat to social stability.

It is difficult to evaluate achievements because of poor police records and the limitations of available statistical data. In recent public statements, for example, officials have estimated that there are 60,000-70,000 "drug abusers" throughout the country, although this estimate is never broken down by the types of drugs used.

A nationwide police crackdown on narcotics offenders accompanied reorganization of the National Police narcotics command in May 1985. The emphasis thus far has been on street-level distribution centers, pushers and violators. Police have made scores of arrests in the major population centers of Java, Sumatra and Bali. The courts have meted out stiff sentences to convicted offenders, especially heroin traffickers, some of whom have received the death penalty. Although, in recent years death sentences for narcotics offenses have generally been commuted to lengthy prison terms.

Some Westerners, the largest number of whom are Australians, have also been convicted of trafficking, particularly in the major tourist areas of Bali. Several have received prison terms of up to ten years. Local prosecutors have argued strongly, though unsuccessfully, for the death penalty for some foreigners.

The crackdown has extended to police units. A police colonel and seven subordinates from a district in Aceh Province, northern Sumatra, were sentenced to long prison terms in May 1985 for their involvement in a cannabis trafficking scheme.

The current crackdown is part of an effort to bring Indonesia's enforcement practices in line with the tough stance already taken by neighboring ASEAN states such as Malaysia and Singapore.

Indonesia has coupled the upgraded enforcement effort with a high-profile media campaign against narcotics trafficking. Arrests and convictions of traffickers have been given almost daily coverage in the major national newspapers. National television and radio coverage of anti-narcotics efforts has increased. As part of this deliberate effort to focus public attention on the narcotics issue, prominent Indonesians in and out of the government have been speaking out forcefully. These have included repeated statements by the President, Vice President and Armed Forces Commander, as well as other key officials in the political leadership and security apparatus.

The wife of the President, Mrs. Tien Soeharto, sponsored an international conference against drug abuse in Jakarta in February 1985. A number of other prominent Indonesians, some of cabinet rank, are currently sponsoring personal national "campaigns" against drug abuse.

A.3. Plans, Programs, and Timetables

Indonesian authorities have not formulated a long-range strategy for the progressive elimination of illicit cultivation and transshipment of narcotics.

A.4. Adequacy of Legal and Law Enforcement Measures

Indonesia's anti-narcotics legislation and legal structure are technically adequate. Internally, the 1976 Narcotics Law provides the framework for the prosecution of drug-related offenses and includes provisions for the death penalty in a number of cases. Several persons have been sentenced to death, and are appealing; no narcotics violators have been executed in recent years. Reportedly there are no plans to change the existing legal framework with respect to narcotics enforcement.

The Indonesian National Police (which are a part of the Armed Forces), Customs and Excise Service (under the Ministry of Finance) and Health Department are the agencies primarily responsible for the control of licit and illicit narcotics.

Overall jurisdiction in narcotics matters is in the hands of the police, and more specifically the Jakarta-based Narcotics Command (NOC), which has 33 uniformed police and 35 civilians under the command of a police colonel and was reorganized in May 1985. Criminal investigation police throughout the country, numbering over 7,000, can be given narcotics-related assignments by the NOC. Some army personnel and helicopters have been used recently in cannabis-eradication efforts in Aceh Province.

"Bakolak" is an interagency body charged with coordinating all narcotics activities in the country through its Narcotics Branch. It is headed by the Chief of the State Intelligence Coordinating Board. Coordination among agencies involved in anti-narcotics work appears uneven and could probably be improved.

All of these agencies lack sufficient trained personnel and to remedy this situation, the National Police are stepping up their own internal training programs. These programs, although they represent a necessary first step, still need further upgrading in terms of the quality of instructors and teaching materials.

A.5. Prevention, Treatment, and Rehabilitation Programs

Government programs geared toward prevention, treatment, and rehabilitation are handled by the Departments of Health, Education, Social Welfare and Religion. Most of the main treatment centers are located in Jakarta. Among the most important are the Drug Dependence Hospital and the Khusul Shotiman Center (both run by the Department of Health) and the Pamardi Siwi Drug Treatment Center (run by the National Police).

The three government institutions have a combined capacity of 150 beds. There is also a drug treatment center in Surabaya with a capacity of 35 beds. In theory, state mental hospitals in each province have some limited capability to treat narcotics patients.

Department of Health officials report there is no government data collecting agency which can provide accurate statistics on the treatment provided nationwide. The Drug Dependence Hospital Jakarta has treated about 1,800 in-patients since 1972 and 2,500 out-patients since 1981. The relapse rate is said to be very high.

The Department of Health, in cooperation with the Departments of Education and Religion, disseminates narcotics prevention education information in all schools, beginning at the sixth grade level. Some religious organizations also provide drug education information to national youth group affiliates. As noted above, the Indonesian Government has mounted a high-visibility campaign through the national media to denigrate drug abuse and to showcase the crackdown on abusers and traffickers.

Among private organizations and foundations concerned with drug abuse prevention and public information are various private mental health organizations, national women's organizations, and the Lions Club.

B.1. Nature of Illicit Drug Production

Aceh, the northernmost province of the the island of Sumatra, has traditionally been the major ganja-producing area. In recent years, however, production has spread to other provinces in Sumatra and to other parts of Indonesia. In 1985, the NOC discovered ganja cultivation in North Sumatra, West Sumatra, East Java, and Bali Provinces, and in Yogyakarta Special District. Small-scale ganja production has also been reported in several Borneo provinces.

Police records on crop eradication efforts in North Sumatra show that the average cannabis farm is approximately 35.5 hectares in size and capable of producing 217,000 kilograms of ganja.

The main urban centers involved in ganja trafficking are Banda Aceh, Medan, Bandung, Bogor, Jakarta, Surabaya, Yogyakarta, and Denpasar (Bali).

Bali is both the center of Indonesia's tourist trade and a major center for narcotics activity among foreign tourists. Strangers are regularly and openly offered narcotics on the streets of Kuta, Legian and Denpasar in Bali, although a recent police crackdown has resulted in numerous arrests.

B.2. Factors Affecting Production

Cannabis has a long history of use in Indonesia, primarily in parts of northern Sumatra where it is still commonly used as a condiment in everyday cooking. Small farmers have strong incentives to plant cannabis to supplement their incomes regularly or to make up shortfalls during bad years. However, narcotics use is nearly universally condemned.

B.3. Maximum Achievable Reductions

In the absence of both reliable statistics on cultivation and a national narcotics control strategy, it is not possible to make realistic estimates of the maximum achievable reductions in cannabis cultivation. Although the press carries frequent reports of marijuana eradication, the amounts involved are generally small and unlikely to have any significant impact on production. Increasing government recognition of the narcotics problem may lead to a more focused control program.

B.4. Methodology for Estimates

As in previous years, there are no reliable statistics or estimates available. This is partly due to the fact that few individuals involved, even on nominally professional levels, differentiate among various drugs of abuse, or make any distinction between use and addiction. Available records are spotty and inaccurate and it is quite possible that levels of addiction are higher than official estimates.

C.1. Statistical Tables

There are no reliable statistics or viable estimates available for crop yields in any year.

		1985	1984	1983
Seizures (kilograms)				
Opium		0.018	5.413	1.770
Heroin		0.734	1.396	0.056
Cocaine		0.005	n/a	0.020
Hashish		13.705	3.937	0.157
Cannabis		125,269	452,658	2,343,630
Arrests:				
Indonesians	538	1079	1342	
Aliens	21	31	36	
Labs destroyed				
Heroin	5	9	11	

D. Status of U.S. Assistance

U.S. goals are to prevent: a) the continuing exploitation of Indonesia as a transshipment point for illicit drugs; b) the development of Indonesia as an opium or cocaine producing area; and c) the export production of ganja and derivatives.

The U.S. currently has no active project agreements with Indonesia. It has been proposed that limited in-country training programs be resumed next year, and that increased numbers of police officers receive narcotics training in the U.S. During FY 1985, two senior police narcotics officers received training in the U.S.

Over the past five years, U.S. police and customs training programs have instructed some 300 Indonesian law enforcement officials. (See Appendix.)

LAOS

A.1. Status of Illicit Narcotics Production and Trafficking

The Government of the Lao People's Democratic Republic (LPDR) prohibited the growing of opium and banned the selling or trafficking of opium and heroin soon after it took power in December 1975. The Government says a "few" hilltribe addicts cultivate opium for their personal use. Lao officials claim that the LPDR controls all the villages in the Golden Triangle area, but some of them acknowledge that mountainous jungle regions in northern Laos may be too remote for the LPDR to control opium cultivation and trafficking.

Thai press sources attribute to Thai officials the view that the traffickers' "war" on the Thai-Burmese border has driven some refining operations into Laos near the tri-border area, and that the Shan United Army (SUA) purchases opium from hilltribe villages in Laos and uses villagers as porters.

Estimates of Lao opium production vary widely, ranging from 50 to 100 metric tons.

There are no Lao prohibitions against cultivating, selling, or consuming marijuana, which is readily available in markets throughout the country. The Lao state that marijuana is not exported, but reports from outside Laos suggest that Thai traders may finance some cross-Mekong traffic from Laos.

A.2. Accomplishments in 1985

Soon after taking power in 1975, the LPDR banned the cultivation of opium and other narcotics. However, the members of certain minority groups, like the Hmong hilltribes, whose customs permitted the consumption of such drugs, were permitted to cultivate opium for their own personal use. Since about 1979-80, the LPDR has adopted a policy of encouraging, sometimes through force, the resettlement of the nomadic hilltribes. It seeks to move them away from high altitude terrain, where they engage in ecologically damaging slash-and-burn agriculture, to permanent settlements at lower altitudes, where they can pursue less harmful agricultural practices. The LPDR has encouraged these groups to abandon opium cultivation completely in favor of other crops such as maize, potatoes, and rice. It is not possible, however, to verify the LPDR's claim that it has eliminated the illicit cultivation, refining, trafficking and use of narcotics in areas under its control.

Although the LPDR in 1981 agreed to several UNFDAC-administered projects in hilltribe resettlement villages designed to encourage the cultivation of non-narcotic crops, it has not agressively sought multi- or bilateral assistance for the suppression of illicit narcotics cultivation. By and large, LPDR resettlement programs for hilltribe peoples have not been very successful, although one major recent UNDP integrated rural development project involving Hmong has made a promising start. The primary needs -- economic and social infrastructure -- require funding beyond Lao capacities.

A.3. Plans, Programs and Timetables

It is not known whether the LPDR has any plans, programs, or timetables for the elimination of illicit cultivation in those areas of the Golden Triangle inside Laos but outside central government control.

Soon after its takeover in 1975, the LPDR detained known drug addicts (along with prostitutes and alcoholics) and sent them to a rehabilitation center located on two islands in the Nam Ngum Lake north of Vientiane. Drug addicts are not readily apparent on the streets of Vientiane or, in Westerners' experience, in other parts of the country.

A.4. Adequacy of Legal and Law Enforcement Measures

The LPDR suspended the constitution and legal code when it was established in December 1975. No new constitution or code of law has yet been promulgated. Consequently, there are no narcotics laws.

It appears that LPDR regulations call for the confiscation of narcotics and the arrest, fining, and imprisonment of traffickers. Several traffickers reportedly have been arrested and punished since 1975, but details are not available. Enforcement measures, however, are almost non-existent. The LPDR has neither the organization, staffing, equipment, nor funding needed to undertake narcotics suppression measures. The central government only nominally controls many remote parts of the country, particularly those areas where narcotics are cultivated. Authorities do not inspect baggage at ports of exit. Laos' long, imperfectly controlled border with Thailand is easily crossed without detection.

B.1. Nature of Illicit Drug Production

The Golden Triangle area of Laos has long been an area of illicit narcotics cultivation (marijuana and opium), refining (heroin), and trafficking (all three), particularly during the

1960's and early 1970's. Illicit production is believed by several analysts to exceed production for domestic consumption, but no reliable consumption data are available. Illictly produced opium is a major cash crop for certain hilltribes. Marijuana is produced and consumed throughout the country.

B.2. Factors Affecting Production

The LPDR does not completely control those areas of the country in which drugs are known to be cultivated, refined, and transported. These areas are mountainous, undeveloped, and relatively lawless.

Without the necessary financial and manpower resources, organization, equipment, and motivation, LPDR authorities are unlikely to take measures to alter the status quo. Lao media are silent on the issue. In this improverished communist country there is no evidence of public concern.

B.3. Maximum Achievable Reductions

In view of the conditions outlined above, there is little prospect of any reduction in illicit drug production in 1985 or in 1986. It is doubtful that any was achieved in 1984.

C.1. Statistical Tables

Not available.

D. Status of US Assistance

Since 1976, U.S. bilateral economic assistance to Laos has been specifically prohibited by law.

Certain forms of emergency humanitarian assistance are exempt from the general prohibition. Although the administration requested Congress to delete the specific prohibition in 1985, there are no plans to begin an assistance program. In 1984, the U.S. provided Laos with 5,000 tons of PL-480 rice in emergency food aid in response to a serious crop shortfall. The World Food Program distributed the U.S. contribution inside Laos. In 1985, the U.S. provided $5,000 in Foreign Disaster Assistance funds to Save the Children (UK) to help deal with a dengue fever outbreak in Vientiane. The U.S. also reimburses U.S. private voluntary organizations for the freight costs of goods donated to Laos for humanitarian aid projects.

E. Resource Estimates

It does not appear that the LPDR is capable of reducing the amount of narcotics produced within Laos, with or without U.S. assistance.

MALAYSIA

A.1. Status of Illicit Narcotics Production and Trafficking

The indication is that the Government of Malaysia made some progress in 1985 in its campaign against drug trafficking and abuse.

Since Malaysia grows no opium, its drug problem mainly consists of illicit heroin processing and trafficking. Morphine and heroin base are smuggled in from Thailand and Burma, and converted to heroin number three (smoking variety) in relatively simple local "laboratories". Most of this production is consumed within the country, while the rest is shipped overseas, chiefly to Europe and Australia. However, Malaysia is also occasionally used as a transit point for number four (injectable) heroin, some of which is bound for the United States. Finally, small quantities of cannabis are cultivated domestically and supplemented for local consumption by "imports" from Thailand and Indonesia.

The chief determinants of the flow of opiates into Malaysia are the size of the opium crop in the Golden Triangle region of Thailand, Burma, and Laos, and the effectiveness of local enforcement measures. The Golden Triangle has produced bumper harvests in recent years (until 1985), but it is estimated that the enactment of tough anti-drug laws and vigorous enforcement efforts backed by the highest levels of the Malaysian Government have succeeded in stabilizing the level of heroin supply in Malaysia at five to six metric tons per year. Two 1985 indicators -- a rise in the price of heroin and a drop in the amount of heroin seized -- offer some preliminary evidence of a reduction in heroin supply. However, the price rise may turn out to be a temporary phenomenon brought on by dealers holding back stocks.

Seizures of raw opium, which jumped nearly ten-fold in 1984 to 870 kgs, ran somewhat higher for 1985. (Note: Malaysian officials hve revised upward the 1984 estimate of opium and cannabis seized.) This may reflect both increased domestic usage and stepped-up trafficking. Malaysian officials continue to insist that no refining of raw opium into heroin occurs in the country. Seizures of cannabis also surged eightfold in 1984 to about 1.8 metric tons, but probably were less than half that figure in 1985.

Penang remains the hub of operations for the ethnic Chinese traffickers who dominate Malaysia's drug traffic. The older generation of traffickers from the Teochew (Chaozhou) Chinese dialect group increasingly has been displaced by a younger, more aggressive and more heterogeneous group of ethnic Chinese. Many Chinese involved in the drug trade have Triad (secret society) connections. The major suppliers are Sino-Thai "businessmen" based in Haadyai, Thailand, which is easily accessible to Penang by air, rail and road. The heavily-travelled land border between Thailand and Malaysia continues to be used as a major conduit for smuggling by car and truck. In addition to vehicular traffic along the major highways, ethnic Malay smugglers operating as free lance couriers use unauthorized entry points in the area between Padang Besar, Perlis and Bukit Kayu Hitam, Kedah-- a section of the border where smuggling of products ranging from rice to firearms has long been a problem.

Although land routes are still a major supply corridor, increasingly effective border controls have increased maritime smuggling, mainly via fishing boats plying the west coast waters between Burma, Thailand and northern Malaysia. The sea route between Penang and Satun, Thailand, has also been used for reverse smuggling from Thailand to Malaysia of acetic anhydride illicitly imported from Western Europe. In late 1985 one case of drug smuggling by sea from Thailand along the east coast to Johore State (and to Singapore) was reported.

There is no evidence of direct involvement in the drug traffic by Malaysian communist insurgents based in the Thai-Malaysian border area. However, these insurgents may levy "taxes", when the opportunity arises, on contraband which transits areas in which they operate.

A.2. Major Accomplishments in 1985

As noted above, heroin price and seizure statistics suggest that the government made some progress during 1985 in its campaign against drug trafficking and abuse. A fall in the number of new addicts registered during the year, to about 6,000 from almost 12,000 in 1984, further supports this tentative conclusion. Several factors probably underlie this development. The Prime Minister's identification in 1983 of drug abuse as Malaysia's prime national security problem has prompted much stronger efforts in all aspects of drug prevention. Harsh drug laws enacted in 1983 and 1985 seem to have deterred both Malaysians and foreigners from drug activity. The formation of an anti-drug parents' movement, led by the Prime Minister's wife and inspired by her attendance at Mrs. Reagan's First Ladies Anti-Drug Conference, holds the potential to further strengthen demand reduction programs.

A.3. Plans, Programs, and Timetables

In October 1984, the Government of Malaysia adopted a five-year national anti-narcotics action plan for the period 1985-89. The plan does not give specific target figures for reductions in trafficking or drug usage, but it does set national priorities in the campaign against drug abuse. Prevention of both use and importation of drugs is given top priority, followed by rehabilitation, manpower development and evaluation, and international cooperation.

A.4. Adequacy of Legal and Law Enforcement

Malaysia's already harsh drug laws were further strengthened by the enactment in May 1985 of the "Dangerous Drugs (Special Preventive Measures) Act". This legislation empowers the Home Affairs Minister to detain suspected drug traffickers without court proceedings for successive two year periods. Twenty-two people were held under the new statute through November 1985. Previously, suspected traffickers were detained under the 1969 "Emergency Ordinance", which limited such detention to a maximum of two years. About 35 of those presently detained under the emergency ordinance have been transferred to the jurisdiction of the new law. This act, combined with the death penalty for possession of more than 15 grams of heroin or 400 grams of cannabis mandated by the 1982 Amendment to the 1952 Dangerous Drug Act, gives the government sweeping, and apparently increasingly effective, powers against drug criminals.

The Malaysian Government is now preparing asset seizure legislation for presentation to Parliament. A major difficulty has been making the law tough enough to enable police to seize suspected assets while still guarding against abuse of this power. Officials hope that the proposed law will be ready for Parliamentary consideration by March 1986.

Malaysia plays an active international role in the fight against drugs. Deputy Prime Minister and Minister for Home Affairs Musa Hitam, opening an ASEAN drug conference in September, stressed the necessity of regional cooperation, and suggested that a key feature should be bilateral or regional asset seizure agreements. Malaysia was also the prime mover of an ASEAN-proposed UN resolution calling for increased "political will" on the part of all countries to counteract the drug menace, and as one expression of that determination, a broad-ranging international conference on drugs in 1987.

Malaysian government agencies involved in narcotics control include the Attorney General's Chambers (legislation), Royal Malaysian Police (enforcement), Customs (enforcement), and Ministry of Home Affairs (treatment and rehabilitation). In addition, the Ministries of Health, Welfare Services, Education and Information are involved in prevention and treatment programs. In 1983, an Anti-Narcotics Committee headed by the Deputy Prime Minister was established under the National Security Council. The committee has overall policy responsibility within the context of Malaysia's "national security" approach to the drug problem, and its executive arm, the "Anti-Narcotics Task Force", is charged with coordinating and monitoring the operations of the various government agencies.

Corruption has not emerged as a serious problem within Malaysia's enforcement agencies. However, the Deputy Home Minster publicly warned in November 1984 that the Government would take stern action against a "few culprits" within the police force who were taking payoffs to protect drug pushers from prosecution.

Australia is the only country besides the United States which stations narcotics control officers in Kuala Lumpur. One officer from the Australian Federal Police is assigned to the Australian High Commission in Kuala Lumpur. Canada and New Zealand have officers in Singapore with responsibility for enforcement liaison in Malaysia, and several western European countries, including the Netherlands, cover Malaysia from Bangkok.

Both major enforcement agencies, police and customs, have professional training programs which have been enhanced by State Department-funded programs administered by DEA and U.S. Customs. In August 1984, DEA and U.S. Customs instructors conducted a two-week in-country enforcement course for the border anti-smuggling unit based in the northern state of Kedah. A similar course conducted by DEA for police personnel was held in Kuala Lumpur in January 1985. Three Malaysian police officers participated in a management course at the Federal Law Enforcement Training Center in Glynco, Georgia, in FY-85. DEA and Customs officials took part in a September 1985 regional course, sponsored by the Colombo Plan and held at the Malaysian Customs Training Facility in Malacca. Finally, six Malaysian Customs officials, funded by the Malaysian Government, spent two weeks in December 1985 observing firsthand U.S. Customs procedures in Honolulu.

A.5. Domestic Drug Abuse

Malaysia's emergence in recent years as a heroin processing and transit country has coincided with a dramatic growth in domestic consumption. From 1970 through September 1985 the government counted over 100,000 registered addicts. However, many observers believe the true figure may be two to three times this number, or approximately 250,000. Over 70 percent of all identified addicts are under age 30, and over 80 percent are on heroin. Preliminary evidence indicates that the growth of drug abuse may have slowed. The number of newly identified addicts dropped in 1984 (to about 12,000 from 14,500 in 1983) and plunged in 1985 (to about 6,000). More effective enforcement measures may be responsible for this encouraging development, along with enhanced school education and other preventive programs.

The drug most commonly consumed in Malaysia is number three heroin. Consumption of number four heroin has been reported in only a few, isolated cases.

Educational efforts aimed at drug prevention are pervasive, and include classroom instruction as well as frequent radio and television spots. Pemadam, the national organization against drug abuse, has local branches throughout the country and receives government as well as private contributions. In addition to its prevention role, Pemadam operates a residential camp in the Kuala Lumpur area and seven "day centers" elsewhere in the country which provide "after care" for addicts who have completed compulsory rehabilitation at government facilities.

There are seven government-run rehabilitation centers with a total capacity of 2,050. Three are "one-stop centers" featuring a stringent regime of paramilitary training following "cold turkey" detoxification. The first of these one-stop centers, Tampin, has had its share of problems, including a series of escape attempts and allegations that inmates were physically maltreated. Even though the number of places in rehabilitation facilities has doubled in the last year, a yawning gap remains between facilities and need. Fully aware of the problem, the Malaysian government will continue to expand its rehabilitation capacity.

Over 6,000 of the inmates in Malaysian prisons, close to half the total inmate population, have a history of illicit drug use, primarily heroin. The Prisons Department has developed a comprehensive rehabilitation and counselling program with input from U.S. trainers funded by the Departmentof State.

Consistent with experience in other countries plagued by heroin addiction, the success of the Malaysian rehabilitation effort is problematic. Officials acknowledge a recidivism rate of at least 80% for addicts who have undergone rehabilitation.

The government's dissatisfaction with its mixed record of demand reduction accomplishments is reflected in the proposed "Five Year Action Program" endorsed by the National Security Council's Anti-Narcotics Committee in October 1984. This long-term plan emphasizes drug abuse prevention, rehabilitation, human resource development, and international cooperation. It is intended to replace the ad hoc and uncoordinated approach which has characterized Malaysian demand reduction efforts in recent years. Development of an anti-drug parents' movement is viewed as a key strategy in broadening community participation in the campaign to reduce drug abuse.

B.1. Nature of Illicit Drug Production

As noted earlier, no opium is grown in Malaysia. Heroin "production" takes the form of processing imported heroin base and some morphine, into number three heroin which is most frequently smoked, not injected. Traffickers do not import raw opium for refining into heroin because the much greater bulk would dangerously increase the risks of smuggling, and there are few "chemists" in Malaysia with the requisite refining skills. On the other hand, drug traders prefer not to import heroin number three directly for the domestic market, in order to insure quality control and increase their profits through adding "value". Officials estimate that most of the heroin number three produced in Malaysia is consumed domestically, but that substantial amounts also join the flow of heroin through Malaysia bound for overseas markets, primarily Europe and Australia. Limited amounts of cannabis are grown in Malaysia, and additional small quantities are imported from Indonesia and Thailand.

B.2. Factors Affecting Production

The most compelling geographic factor which affects heroin production in Malaysia is its proximity to the opiate source countries of Thailand and Burma, with borders susceptible to large-scale smuggling both by land and sea. Social and economic factors which possibly have contributed to the expansion of domestic demand include rural to urban migration and related social dislocation stemming from Malaysia's economic dynamism.

With few exceptions, trafficking and production are monopolized by well-financed ethnic Chinese syndicates based in Malaysia (where ethnic Chinese comprise about one-third of the population) with connections in both producer and consumer countries. However, Malaysia's growing addiction problem cuts across ethnic lines and includes ethnic Malays in numbers roughly proportionate to their share of the total population (approximately one-half).

During the colonial period, opium use in British Malaya was largely confined to the immigrant Chinese. The most recent spread of heroin use within the younger generation of the politically-dominant Malay community has strengthened public and official perceptions as to the seriousness and nationwide scope of the problem.

At the highest level of political leadership both Prime Minister Mahathir (whose home state of Kedah is particularly afflicted by the drug traffic because of its proximity to the Thai border) and Deputy Prime Minister Musa Hitam have demonstrated with frequent public statements in domestic and international fora, legislative initiative, and increased commitment of government resources that their administration is firmly committed to fighting the drug problem. Extensive coverage by the news media, newspapers as well as radio and television, have contributed to public awareness of the drug problem.

B.3. Maximum Achievable Reductions

The Embassy's current estimate is that heroin processing in Malaysia during 1985 did not increase appreciably and may have stabilized at about 5.5 metric tons. The major factor complicating any estimate of maximum achievable reductions in heroin production is the unpredictability of the size of the Golden Triangle opium crop. Assuming a Golden Triangle crop of roughly the same size and continued modest progress in enforcement efforts, we believe a reduction of about five percent annually is possible. Estimated heroin processing (kg per year):

1984	1985	1986	1987
5500	5500	5250	5000

B.4. Methodology for Estimates

Estimates are based on consultations with Malaysian officials. Officials estimate annual consumption by multiplying the probably number of addicts (250,000) by the average daily dose (0.06 grams of pure heroin equivalent) times 365 days. The result is 5.475 metric tons. We estimate this consumption figure approximates the amount of local production by assuming that the amount of imported heroin number three (which would reduce the amount processed domestically) roughly equals the amount of "excess" domestic processing bound for overseas markets (which would increase the domestic processing figure).

C. Data Tables

	1987	1986	1985	1984	1983
Processing:					
- heroin (kg)	5,000	5,250	5,500	5,500	5,500
Arrests:					
- nationals	n/a	n/a	8,133	11,658	11,645
- foreigners	n/a	n/a	72	143	127
Seizures (kg):					
- raw opium	n/a	n/a	743.3	870.9	110.7
- prepared opium	n/a	n/a	10.1	13.2	40.5
- morphine	n/a	n/a	0.01	6.4	9.3
- heroin	n/a	n/a	94.7	242.9	200.1
- cannabis	n/a	n/a	514.4	1,766.4	386.4
Labs destroyed:	n/a	n/a	3	4	5
Users: total registered			108,027	104,225	92,610

Footnote: Processing figures are slightly higher than estimated in last year's report due to use of a higher figure for probable addict population. The 1985 figures for arrests, seizures, labs destroyed, and users are through September. Arrest statistics include those persons detained under the 1969 Emergency Ordinance and the 1985 Dangerous Drugs Act (1969 Ordinance: 764 in 1983; 1052 in 1984; 254 through November, 1985; 1985 Act: 22 through November 1985).

D. Status of USG Assistance

Malaysia received no bilateral Development Assistance (DA), Economic Support Funds (ESF) or PL480 assistance during the reporting period. The Peace Corps Program in Malaysia was terminated in 1983. State Department assistance (INM) was limited to funding of narcotics control training programs, plus $50,000 provided under a memorandum of understanding to assist in the establishment of a PRIDE-type parents' movement. (See Appendix.)

PHILIPPINES

A.1. Status of Illicit Narcotics Production and Trafficking

Marijuana cultivation, geographically widespread, shows no evidence of decline. It has been detected in 42 of the country's 73 provinces, as well as in Metro Manila. The mountainous region of northern Luzon is the principal source area, with others in the provinces of Cebu in the central Visayas, and Sulu, south of Mindanao. Plantations have increased in size and number and are often found in remote locations accessible only on foot.

The Government claims that in 1985 the Armed Forces of the Philippines (AFP) seized and destroyed large numbers of marijuana plants and seedlings in northern Luzon and on the island of Jolo. Traffickers move cannabis to markets in Baguio, Olongapo, Angeles, and metro Manila both by land transportation and by commercial ships or small fishing boats.

There is no evidence of either widespread opium cultivation or heroin processing. Authorities have discovered only one coca bush plantation.

The Philippines has become a transit point for Golden Triangle heroin destined for Europe and the United States. Traffickers also smuggle some marijuana out of the country. No single criminal organization controls trafficking or production. However, foreign criminal elements consort with local traffickers.

The country faces insurgencies by the Communist Party of the Philippines and its military arm, the New People's Army, and by the secessionist Moro National Liberation Front. It is alleged that insurgents engage in marijuana cultivation and trafficking. According to the Government, it has been necessary to redirect some resources previously committed to anti-marijuana operations to deal with the insurgents.

A.2. Accomplishments in 1985

According to Government statistics, between 1982 and September 1985 authorities seized 15,440,185 marijuana plants and seedlings, 42.81 percent of which came from 1,279 cultivation sites. In addition, 6,330 kilograms of cannabis were seized. In 1985, 157 sites in 40 provinces were discovered, resulting in the seizure of 3,704,685 plants and seedlings.

In June 1985, authorities seized two tons of marijuana enroute from Thailand to Australia.

A.3. Plans, Programs, and Timetables

The Government's marijuana eradication program sets 1994 as the target date for the elimination of marijuana production. The plan calls for a sustained eradication drive supplemented by intensive drug information programs. As part of this drive, marijuana is cut and burned in the presence of witnesses from local government and schools.

The Government lists the following as priority enforcement tasks:

-- Eradicate marijuana plantations through the coordinated efforts of the AFP and local government agencies.

-- Raise the professional and performance levels of the Narcotics Command (NARCOM) through selective personnel recruitment, enhanced training programs, and improved logistics support.

-- Improve the overall performance of all drug enforcement agencies through better coordination under the National Law Enforcement Coordinating Committee (NALECC).

-- Strengthen compliance investigation units of the Dangerous Drugs Board (DDB) and the Bureau of Food and Drugs.

-- Enhance interdiction efforts against traffickers at ports of entry and within the country by deploying additional Government resources.

The Government has decided to establish a Narcotics Task Force at Manila International Airport in response to the airport's increased use as a transit point for heroin bound to the U.S., Australia, and Europe.

A.4. Adequacy of Legal and Law Enforcement Measures

The basic narcotics law is Republic Act 6425, called the Dangerous Drugs Act of 1972, which has undergone several amendments and is in the process of being further amended. It provides for heavy penalties for trafficking, including fines of 20,000 to 30,000 pesos (U.S. $1,000 - 1,500), life imprisonment, and capital punishment. Drug offenders who violate the law are subject to the maximum penalties, and to the forfeiture of trafficking proceeds.

The Dangerous Drugs Act empowers the Dangerous Drugs Board (DDB) to regulate all narcotics activities. It includes representatives from seven Ministries, and from the National Bureau of Investigation (NBI) and the National Intelligence Service. DDB and the Bureau of Food and Drugs perform regulatory and compliance investigations.

To support DDB's operations, the Government established the National Law Enforcement Coordinating Committee (NALECC) in 1982. It is supposed to coordinate the anti-narcotics activities of all law enforcement agencies.

The Narcotics Command (NARCOM) under the Ministry of National Defense plays the central role in the military's narcotics enforcement. NBI, the Bureau of Customs, and the Finance Ministry's Drug Law Enforcement and Intelligence Bureau also have special units involved in drug law enforcement.

NARCOM, in cooperation with DDB, annually conducts six narcotics law enforcement courses for all agencies with drug enforcement functions. In 1985, NARCOM revised the courses into one-month mobile seminars held in various regions of the country. The new program is expected to reach a larger number of law officers. As of September 1985, six courses had been conducted in six regions. In recent years, there has been no foreign training assistance offered to strengthen the perceived need for drug regulatory and compliance capabilities.

The principal police agencies tasked with drug enforcement are the Philippine Constabulary-Integrated National Police in the Ministry of Defense, and NARCOM and NBI under the Ministry of Justice.

Narcotics intelligence is coordinated by the Drug Intelligence Coordinating Committee, under the National Intelligence Board.

Enforcement efforts are occasionally hampered due to a lack of cooperation among different agencies, apparently caused by inter-agency rivalries.

Facing a heavy workload and fiscal restraints, the courts frequently move slowly. Many drug offenders reportedly avoid trial altogether through bribes, which have been described as rampant at all levels of the judiciary.

The Philippines is a party to the 1961 Single Convention, as amended, and the 1971 Convention on Psychotropic Substances. Canada, Japan, Australia, New Zealand, and the United States station narcotics officials in the Philippines.

The Philippines' bilateral extradition treaties with Indonesia and Thailand aid in the apprehension of traffickers.

A.5. Domestic Drug Abuse Problem

Marijuana is the most commonly abused drug, followed by the non-medical use of non-narcotic cough syrup preparations and tranquilizers, and the inhalation of aromatic hydrocarbon compounds contained in industrial preparations, such as glue, adhesives, paint thinners and other solvents. Abuse of heroin, cocaine and LSD is small, but increasing among affluent Filipinos. Polydrug use characterizes much domestic drug abuse.

Prevention, Treatment, and Rehabilitation Programs

The Government has intensified efforts to curb narcotics. The President has publicly condemned the use of illicit drugs and has repeatedly warned that traffickers face severe punishment.

From January to October 1985, DDB's Central Screening and Referral Unit conducted drug dependency examinations on 2,437 clients, 1,347 of whom were found to be drug dependent. Marijuana, cough syrups and tranquilizers were the drugs most commonly preferred. Most abusers fell into the 15-19 age group, followed by the 20-24 age group. The ratio of male to female drug dependents was 23 to 1.

DDB and the Ministries of Education, Culture and Sports, Local Government, Social Services and Development, and Health focus on prevention, treatment, and rehabilitation. NARCOM and NBI and three private agencies operate and maintain their own treatment and rehabilitation centers.

Media activities alert the public to the dangers of drug abuse. TV advertisements have appeared warning potential drug users of the deleterious effects. Coverage of narcotics matters, particularly drug seizures, has increased since the President's wife attended the First Ladies' Conference in October 1985. In November the Philippines hosted a regional conference on the role of the media in drug abuse, prevention, education, and information.

B.1. Nature of Illicit Drug Production

Marijuana, the drug of choice, is readily available. Opium is not cultivated. However, a coca plantation was discovered in March 1985 in the Visayas. It is not known whether cocaine was produced at this site.

B.2. Factors Affecting Production

As a tropical country, the Philippines has distinct wet and dry seasons. Geography complicates enforcement efforts: the country is composed of over 7,000 islands, with a coastline twice as long as the United States. Luzon, where most marijuana seizures are made, has extensive mountainous areas.

There are no traditional customs which require the use of narcotics. Similarly, there is no historical or traditional basis for dependency on marijuana as a cash crop. However, there is a growing awareness among farmers in northern Luzon that marijuana cultivation is profitable. Some farmers have shifted from growing vegetables to growing marijuana.

B.3. Maximum Achievable Reductions

The Government is expected to continue its efforts at marijuana eradication, although the wide dispersal of cultivation encumbers its efforts. Furthermore, cultivation sites are often in areas in which insurgents operate, making it dangerous for Government officials to enter. Enforcement agents monitor reports of plantation sites and periodically launch raids against them.

B.4. Methodology for Estimates

There are no confirmed estimates of production, other data are from activity reports of narcotics enforcement organizations.

C.1. Statistical Tables

	1985 (Jan-Sept)	1984	1983
Crops Eradicated			
Cannabis:			
plants (no.)	1,638,899	2,936,961	686,151
seedlings (no.)	2,065,786	6,943,899	264,517
Coca Bush:			
plants (no.)	83	none	none
Arrests			
Nationals	2,608	2,941	2,075
Foreigners	16	26	36

	1985 (Jan-Sept)	1984	1983

Seizures			
opium (dried pods)	91	none	none
opium (gms)	none	none	12
heroin (gms)	45	549	15,890
morphine powder (gms)	none	446	none
codeine sulfate powder (gms)	none	1,350	none
Other Opiates:			
morphine ampules (no.)	none	60	none
cocaine (gms)	523	1,925	457
Marijuana Bulk (kg)	2,877.24	1,778.599	795.789
Other Cannabis:			
hashish gms	455	40	2,100
seeds gms	25,143	50,270	27,541
cigarettes (no.)	5,235	6,218	2,893
Labs Detected:			
Cocaine lab (crude)	1	none	none
Users			
Opium			2
Heroin	5	6	10
Other Opiates:			
morphine	3	3	5
codeine	4	2	8
demerol	8	5	7
Coca:			
cocaine	31	22	26
	1985 (Jan-Sept)	1984	1983
Marijuana	846	922	1,586
Other Cannabis:			
hashish	23	28	32
Thai gold	3	1	
Colombian gold		1	
cakes (brownies)	35	4	

PART D

See Appendix.

THAILAND

A.1. Status of Illicit Narcotics Production/Trafficking

The single most important aspect of the narcotics problem in Thailand is its role as a transit country for heroin produced from poppies grown in Burma. Thai efforts at enforcement and at establishing better border security have increased the risks of trafficking through Thailand, and some routes have shifted to avoid Thai territory. Thailand will probably remain the route of choice because of its extensive communications infrastructure and easy access to international lines of communication.

Both opium and marijuana are cultivated. While some labs, usually small and mobile, operate on occasion in northern Thailand, most Golden Triangle opium is converted into morphine, heroin or other opiates in labs outside Thailand. Marijuana is packed for shipment and moves to ports for export and subsequent entry into the international market.

The opium growing season begins in late August or early September, with some planting as late as the end of October. Harvest occurs in January and February. Marijuana follows much the same pattern, with a growing season extending from late August to March or April. Thus in both cases the 1985 crop is the one planted in late 1984.

While opium cultivation increased from 7,900 hectares in 1984 to 9,654 hectares in 1985, gross production dropped slightly from 41.5 metric tons in 1984 to 38 mt in 1985 as a result of unfavorable weather conditions and increased eradication by the Royal Thai Government (RTG). For 1986, the RTG anticipates the planting of 6,325 hectares, with a gross production estimate of 28 mt prior to eradication (based on an average yield of 4.4 kilograms per hectare). Marijuana cultivation appears to be rising, although reliable information is not available.

Opium is grown in northern Thailand, with Chiang Mai province being the largest area of cultivation, followed by Chiang Rai, Mae Hong Son, and Nan provinces. Much of the opium is consumed by the estimated 35,000 opium addicts in the total hilltribe population of 400,000-500,000. Although RTG estimates may be inflated, opium and heroin addicts probably consume a quantity considerably greater than what Thailand produces, which would make Thailand a net importer of opiates.

Even so, in areas close to the border, some Thai opium makes its way to the refineries. Seizures of heroin base and opium enroute to southern Thailand substantiate reports of refineries along the Thai-Malaysian border in areas dominated by communist or Muslim insurgents.

We estimate that 30-40 mt of opium are consumed in Thailand as opium and another 50-100 mt of opium equivalent as heroin. Prices vary considerably according to the amount purchased, the sale location (distance to the refinery), and whether or not the buyer is a regular customer. Along the Burma border, opium prices remained low during most of 1985, hovering around $70 per kilogram after a 30 percent drop from early 1984. Reportedly the trend at the end of 1985 was upward. Heroin prices along the border increased dramatically during the second half of 1985 and now range from $4,300 to $4,800 per kilogram, almost double the 1984 level. The heroin price rise can be attributed to the disruption of heroin refining by Thai and Burmese enforcement agencies, and continued infighting among rival trafficking groups on the border. Prices in Bangkok and southern Thailand are considerably higher.

Opiates are smuggled out of Thailand in many ways-- by air, ships, fishing trawlers, or land transportation to Malaysia. Similarly, opiates pass through Thailand from the border refineries in the north to Bangkok or the south on every kind of transportation available. Most is carried by truck or car. Organized groups arranging transportation to Bangkok and beyond have been a particular target of RTG law enforcement agencies. The RTG's success in concentrating on chemicals has led to reports of shortages and very high prices for all chemicals at the refineries.

Despite the lack of quantitative data, it is clear that marijuana has become an increasingly important crop, with greater amounts being exported. Most commercial production occurs in the northeastern provinces, centering around Nakhon Phanom, where the highest quality marijuana is grown. Prices are high by local standards, and the $17 per kilogram average paid to the farmer produces five times the income derived from growing the next most profitable crop, tomatoes. Marijuana is often compressed into bales or cans and transported by truck to ports on the eastern side of the Gulf of Thailand.

Narcotics trafficking organizations do not appear to be involved in terrorism or political insurgency within Thailand, but there have been some incidents of violence believed to be connected with rivalries between trafficking groups. Many political insurgent groups in Burma control the cultivation and refining of the great bulk of the opium which passes through Thailand.

A.2. Accomplishments in 1985

Much progress has been made in achieving the mutual goals of the Thai and U.S. governments. In 1985, this included denying Burmese trafficking groups the unobstructed use of Thai territory for sanctuary, pushing Burmese refineries further back from the border, disrupting the delivery of chemicals to refineries, and forcing traffickers to establish routes which avoid Thailand.

Drug-related arrests totalled more than 37,000, up from 34,000 in 1984. Authorities seized 3.3 metric tons of opium, and two metric tons of heroin.

In the 1984-1985 growing season the Royal Thai Army took 552 hectares out of opium cultivation (i.e., lands which were not replanted in opium at RTG direction), and manually eradicated 517 hectares. While eradication had only minor impact on the year's opium production, it showed that crop control activities could take place without serious political and social repercussions. The RTG planned expanded eradication operations in the 1985-1986 season.

The Border Patrol Police (BPP) and the Provincial Police launched extensive manual marijuana eradication campaigns in the northeast, destroying more than 1,900 tons of fresh marijuana in the fields. Authorities seized 101 metric tons, including some destined for export.

A.3. Plans, Programs, and Timetables

Thai leaders have historically viewed the problem of opium production largely as a security and development problem. They believed that opium production would decline as the hilltribe populations were more effectively integrated into the nation, a permanent security presence was established in areas still producing commercial opium, and a minimum development level was achieved. Accordingly, earlier plans for curbing opium cultivation did not provide for forced eradication but were formulated as part of an integrated strategy to establish opium-free zones through economic and social development, improved security conditions, and crop substitution.

RTG efforts to address hilltribe opium cultivation are financed in part through foreign assistance generated by international concern over continued illicit drug production. Working in cooperation with UNFDAC, the Thai Office of the

Narcotics Control Board (ONCB) has prepared a long-term plan for promoting the integration of the hilltribe populations into Thailand over a five-year period. The plan calls for massive injections of foreign assistance from a variety of potential donors including the United States. The current draft of the plan, which has not yet obtained full RTG approval, includes the use of opium clauses making assistance to any area dependent on agreement by the villages in the area to abandon opium cultivation immediately. The plan, however, does not project the probable impact of such clauses on opium production. Nor does it set any timetables, other than contemplating that cultivation will be largely curtailed by its completion. The plan calls for total foreign donations of some $50 million over the five-year period.

In 1985, the Thai Third Army and ONCB held a series of regional meetings for military, police and civilian officials to plan a major opium eradication effort during the 1985-86 growing season. The Third Army established a command and control center to direct and coordinate opium eradication programs. Civilian officials in the northern provinces were encouraged to play a greater role. The program was well publicized, and the growers warned.

The RTG currently does not have a specific timetable for the progressive elimination of marijuana cultivation. It considers marijuana cultivation to be a criminal act and arrests farmers known to grow marijuana.

A.4. Adequacy of Legal and Law Enforcement Measures

The cultivation, production and trafficking of illicit drugs is clearly defined as an illegal activity, and all police agencies within the country are tasked with enforcing narcotics laws. There are several police agencies specifically charged with narcotics enforcement.

ONCB coordinates narcotics control programs throughout Thailand, working closely with aid donor countries and international agencies. The Seventh Subdivision for the Crime Suppression Division of the Thai National Police is the primary narcotics suppression body in Thailand and is formally charged with all specialized narcotics suppression activities, although provincial authorities can prosecute locally and all police can arrest narcotics law violators.

The Special Narcotics Organization (SNO) units established in 1972 have evolved into the present Police Narcotics Suppression Centers (PNSC) with units at Chiang Mai, Bangkok, and Haadyai. PNSC units have never been formally established by the Thai Police; their personnel are primarily on loan from the Seventh Subdivision. The Metropolitan Narcotics Unit is a specialized narcotics enforcement group in Bangkok. The BPP has traditionally carried out operations against traffickers, primarily in the north. U.S-provided helicopters under the jurisdiction of the Police Air Division are stationed at BPP locations in northern Thailand. Since 1975 Royal Thai Customs has had a special narcotics unit, with personnel stationed at Bangkok, Chiang Mai, Phuket, and Haadyai airports. ONCB also has its own suppression division, with units in the north, northeast, south and Bangkok.

The special narcotics agencies have developed into professional and generally honest law enforcement bodies. Their development has been accompanied by growing national recognition of the dangers of narcotics, which has helped to counter the impact of corrupt practices on narcotics enforcement. Much remains to be done, particularly in expanding the resources devoted to the narcotics problem and in further limiting the impact of corruption. Narcotics enforcement officials appear committed to building on the encouraging progress made to date.

DEA and the U.S. narcotics assistance program have played major roles in helping to develop the RTG's enforcement capabilities, which are being expanded as rapidly as possible given bureaucratic limitations.

Thai laws relating to narcotics are adequate, with two exceptions: the need for a more effective conspiracy law, and for laws which would allow the seizure of assets generated by illicit narcotics activities. ONCB has drafted legislation which would provide for conspiracy prosecutions in narcotics cases and for the seizure of assets. These draft laws have been submitted for government review prior to sending them to parliament. In certain areas Thai laws are more advantageous for law officers than comparable U.S. laws, including greater freedom in the use of wiretaps, and more restricted access to investigation methods by defense attorneys through disclosure proceedings.

The Foreign Anti-Narcotics Community is an association of foreign narcotics liaison officers consisting of representatives from Australia, Canada, France, Germany, Italy, Japan, the Netherlands, New Zealand, Sweden, the UK, Interpol and the United States (DEA).

To an increasing extent, the Thai are accomplishing their own training in-country. All police training programs now incorporate 40 hours of narcotics training by the Police Bureau of Education. ONCB and Thai Customs have similar in-house training programs for junior and new staff.

U.S. narcotics training programs in Thailand have contributed significantly to the model level of cooperation achieved between Thai and U.S. agencies. Continued training, albeit at a modest level, is needed to ensure the success of cooperative efforts. In addition to the technical aspect, U.S. training assistance symbolizes U.S. support for RTG enforcement efforts and appreciation for Thai cooperation in this field.

In FY 1986, the emphasis is on meeting the long-term training needs of Thai narcotics enforcement agencies. The RTG needs to develop a corps of sound criminal investigators and research analysts. RTG capabilities have increased significantly in recent years, but further emphasis on narcotics intelligence is required. The RTG also needs to upgrade narcotics training for non-specialized police units throughout the country. ONCB is conducting a long-term program which requires a cadre of local trainers.

A.5. Domestic Drug Abuse Problem

The RTG estimates that drug addicts number 300,000-500,000. Other estimates put the number in the 100,000-200,000 range. Studies indicate that about 35,000 hilltribe villagers (7% of the population) smoke opium. If each smoker consume one kilogram (a low estimate) per year, total local consumption would account for 35 tons. Adding in the amounts of opium smoked on ceremonial occasions, used as medicine, or smoked by lowland Thai shows that a substantial portion of the annual crop is consumed as opium in northern Thailand.

Heroin addiction figures are even less reliable. While most experts agree that addiction is concentrated in Bangkok, addiction rates outside Bangkok may be seriously underestimated. There are, for example, reports of heavy addiction in the south. Heroin purity levels are very high, often exceeding 90%. Because of the high purity and low cost, addicts often develop unusually high tolerance for the drug, resulting in higher usage rates than in other countries.

There are no solid statistics on the abuse of other drugs or stimulants. In the northeast and in some parts of Bangkok, there is a considerable amphetamine problem. Marijuana and kratom, a local drug, are widely used in the south.

Prevention, Treatment, and Rehabilitation Programs

There are 65 approved treatment/rehabilitation programs, operated by the Ministries of Public Health, Defense, and Interior, BMHD, the Bangkok Metropolitan Medical Services Department, several Buddhist monasteries, and at least one Catholic therapeutic community. These facilities, most of which are out-patient, can handle approximately 3,000 patients daily. Admissions during 1985 totalled an estimated 45,000, including large numbers of repeat patients.

The Corrections Department has six prisons for drug offenders, in which 8,000-10,000 persons are incarcerated at some time in the course of a year. The Central Probation Office supervised several hundred drug law violators in 1985 and plans a nationwide network of 86 units capable of supervising 10,000 offenders.

Considering the facilities available, it appears that on any given day approximately 8,000 drug users are in treatment, under confinement, or on supervised parole. Available data suggest a recidivism rate of 80-90%. However, if success is measured by short-term demand reduction, Thailand is achieving considerable success. The system handles a high volume of cases and provides a ready alternative to heroin use. Data also suggest that the addict population is aging, with an average age over 30 for patients treated in Bangkok.

Thailand is moving toward more active drug abuse prevention. Existing programs are being expanded; ONCB is increasing its media activity; the Education Ministry has redesigned its drug education curriculum; and the Ministry of Public Health and BMHD are increasing prevention activities in the public health sector. Some projects have been provided to UNFDAC for funding consideration. The Embassy has funded others.

B.1. Nature of Illicit Drug Production

There is no licit production of opium, coca, methaqualone, cannabis, amphetamines or chemicals for conversion processing. There is limited licit formulation of imported barbiturate powder into pill or capsule form. Our main concern is opium, its derivatives, and marijuana. The circumstances surrounding their cultivation and the Thai responses to them have been so different that Part B is divided into separate discussions on opium and marijuana.

Opium

When opium was legal prior to 1958, much of it was cultivated by ethnic Thai farmers under licenses controlled by RTG monopoly. When opium was declared illegal, all cultivation by ethnic Thai was halted, and there is no evidence that they have resumed it in significant numbers. Narcotics officials have made it clear that cultivation by ethnic Thai will not be tolerated. Should such cultivation be discovered, the farmer would be arrested and his crop destroyed.

Opium cultivation has been a traditional occupation of hilltribe populations for more than two hundred years. The hilltribe populations use opium as a pain killer, as an aid to the treatment of intestinal distress, and for recreational purposes. Its consumption carries little social stigma within hilltribe society. In addition, hilltribe cultures have developed a variety of religious and social ceremonies which use small quantities of opium.

Opium, grown as a dry season crop to supplement the rainy season's upland rice crop, has traditionally been the hilltribes' principal cash crop. Because of its small bulk, storability, and stability of value, opium has served as a medium of exchange and as money in the mattress. Many cultivators plant only enough to meet their own needs, with a surplus to cover possible variations in weather, future shortages, or emergency needs for ready cash.

Production has traditionally been controlled by ethnic Chinese middlemen who buy opium from hilltribe farmers and supply trade goods in exchange. Traffickers have used economic and physical coercion to ensure enough opium was cultivated to meet demand.

Opium cultivation has never been a lucrative crop for growers. Prices normally range between $50 and $100 a kilogram. As roads, economic development, and crop substitution projects have reached hilltribe areas, many farmers have switched to more profitable crops. Opium usage appears to decline as hilltribe populations begin to participate in the modernization process. The Thai Hilltribe Research Center (HRC) has reported that the average age of opium users is rising, and that opium usage is increasingly recognized as harmful to the individual, his productive capacity, and his family.

The presence of RTG security forces has also tended to interrupt the activities of opium traders, and provided an added incentive for hilltribe farmers to opt for other crops.

As a result of these factors, the importance of opium as an income source has declined over the last ten years. While as much as 60 percent of the opium planted in Thailand was once sold commercially, HRC now estimates that only 10 percent is marketed commercially, and most of that is sold to other opium smokers rather than refinery operators.

Based on observations in areas that have received economic assistance, opium appears to be so much a part of the hilltribes' way of life that at least some farmers insist on continuing to grow it even though they can make more money with other crops. This suggests that should opium prices rise, many farmers might again start planting commercial quantities.

Thai opium cultivation represents a potential source of supply that can be tapped when Burmese supplies are inadequate, or when market dislocations along the border force refiner to look for new sources. This happened during the drought in 1979 and 1980.

Some of the hilltribes near the Thai-Burmese border remain in areas under the influence of or control of the Shan United Army or other trafficking groups. There is some evidence that traffickers both encourage and force these hilltribes to grow opium for sale to refineries. The total opium grown in these areas, however, represents no more than 10-15 percent of all Thai opium. As the RTG expands its security presence along the border, it is likely that there will be reductions in commercial opium planted there.

In terms of actual value, farm income from opium production does not contribute significantly to Thailand's economy. At current prices, the 1985 crop's total value was no more than $4 million. Evidence suggests that a large part of the opium grown in Thailand is never refined, but used within the producing villages. Actual farm income from opium may total less than a million dollars a year.

Marijuana

Although illegal, marijuana has long been produced to meet local demands, ranging from traditional use as a food seasoning to heavy abuse by a small segment of the population. Thai society does not view marijuana abuse as particularly dangerous anti-social behavior. Legal penalties for both use and trafficking are much less severe than those for opiate use.

RTG narcotics officials are concerned by indications that there is a trend towards greater marijuana use, and the possibility that the huge sums of money generated as marijuana profits may find their way into the hands of individuals and groups opposed to RTG policies. As a comparison, while the 1985 opium crop may have been worth $4 million, the value of the marijuana destroyed by police during the same year is estimated at $25-30 million.

In spite of official concern and some increased enforcement effort, there has been little attempt to determine either the number of users, acreage committed to marijuana cultivation, or total production.

Thai marijuana is noted for its high quality, and brings a premium price in the United States. The U.S. may well be Thai marijuana's most important export market. Australia, New Zealand, and Europe are other important destinations.

Thai society does not look on marijuana as dangerous, and marijuana has traditionally been viewed as an enforcement rather than a development problem. Although RTG officials make arrests or seizures whenever sufficient information becomes available, enforcement has not been given a high priority in the past. Limits on police manpower have resulted in less than effective action. Nevertheless, most illicit drug arrests in Thailand involve marijuana users and traffickers.

B.2. Factors Affecting Production

Opium

While the RTG may reduce the amount of opium sold commercially, opium production has already been reduced to a level where, without an effective eradication program, the total amount cultivated in any given year is determined more by climatic conditions and local demand by hilltribe addicts than by any contemplated government programs.

The presence of a major opium producer like Burma across the border helps keep opium prices low in Thailand. Despite low prices and the availability of substitute crops, it is unlikely that cultivation will drop below the demand level without eradication. Good weather years will produce a surplus that will either be sold, stored for future lean years, or moved to Burmese refineries, if the price is right.

Thailand can substantially reduce opium cultivation within its borders using proven eradication techniques, and political leaders now appear willing to try to do so. The Embassy and the State Department's urging that Thailand begin effective eradication, beginning last year, is starting to produce results.

The manual eradication of 517 hectares of opium in 1985 demonstrated to the political leadership that opium could be eradicated. However, the domestic political consensus required to initiate a program as controversial as a total eradication campaign-- one using herbicides-- has not yet been achieved. Many politically active Thai still argue that the problem can be solved without recourse to such confrontational methods as eradication. Such opinion makers, who normally do not deal with problems of drug addiction or highland development, believe that current policies combining economic development with enhanced security work and will, over time, curtail opium cultivation without leading to confrontation with ethnic minority groups such as exists in Burma. They also believe that it is better to allow current hilltribe addicts to continue to use opium until they have readier access to treatment programs, whereas denying them access to opium would only push them into heroin addiction.[4]

Those political leaders not in favor of eradication are willing for now to allow enforcement officials to proceed with eradication plans. A possibility still exists that, should obstacles arise, they will again raise objections and attempt to halt eradication.

Marijuana

Most Thai marijuana is cultivated in the northeastern provinces, by far the poorest region of Thailand and home to one third of the population. Throughout the northeast, Thai farmers face a continual struggle with poor soil, lack of markets and credit, and uncertain rainfall.

Much of the area has represented a major security problem for more than 20 years. A central RTG concern since the mid-1960s has been dealing with the communist insurgency, which started in the northeast. The RTG has allocated major amounts of aid into the region, constructed an extensive road system, and introduced important new crops. The results have been positive, and the RTG seems to be winning the last of the insurgents over to the government's side.

Despite these development programs, many farmers practice subsistence agriculture, in which a family's survival often depends on the ability of its members to find work outside the region, with the men taking low-paying industrial jobs while the women work as household servants or waitresses. Consequently many farmers will jump at the chance of extra income represented by marijuana cultivation. High prices offer a get-rich-quick opportunity for those willing to take the risks. They are encouraged by an increasingly sophisticated illicit market structure which provides seeds, fertilizers, guaranteed prices, credit, and protection. The growing demand for Thai marijuana both locally and abroad has provided many such farmers with the first opportunity to make real money in their lives.

The result has been a rapid expansion of production. Five years ago, only three provinces in northeastern Thailand were considered to be major marijuana producers. Now marijuana has become a major farm income factor in twelve northeast provinces, and production continues to expand. New growing areas have also been found in the north and central regions.

Because of its preoccupation with national security, the RTG has tended to ignore the marijuana problem, or to deal with it only as an afterthought as it attempted to extend its presence in the area. Some officials now recognize that the rapid growth of cultivation is a serious threat to the nation and its international reputation.

Contrary to the situation which exists in the hilltribe opium areas, there is a wide consensus supporting the use of marijuana eradication as one form of enforcement. Considerable eradication is carried out. Control efforts are seriously hampered by resource and manpower shortages. Since these problems result from the lack of resources rather than of will, the international community could encourage a more effective campaign by providing additional financial support.

B.3. Maximum Achievable Reductions

Opium

In recent years the overall extent of opium cultivation and the amount produced has been largely a function of weather and price. Increased production in some areas may partially offset progress in curbing cultivation in other areas achieved through eradication, the introduction of substitute crops, and the use of opium clauses in development projects.

In 1985-86 RTG crop control plans project the removal of 1,677 hectares from cultivation and the eradication of another 2,800 hectares. In 1985, by comparison, 5[illegible] hectares were eradicated and 552 hectares taken out of cultivation. Initial reports on the 1986 crop indicate a significant drop in acreage planted, suggesting that 1985's limited eradication effort had an impact. While the 1986 crop is expected to reach 28 gross metric tons, due to market, weather and demographic factors-- a decrease of 10 tons from 1985-- it would probably come close to the 40 ton level without the planned RTG reduction efforts.

The RTG estimate is that it can push this gross production level down to 16 mt for 1986, but this would require increasing the level of eradication from 517 to 2,800 hectares in one year. More conservatively, U.S. analysts project that net production, after eradication, will be on the order of 16 to 36 mt in 1986.

In 1987 our narcotics control assistance program includes an increased crop control effort designed to cover the economic and social costs to the hilltribe villages of an accelerated reduction in cultivation. This program should enable the RTG to expand reduction efforts in 1987 and take another 1,000-2,000 hectares out of production, reducing production totals by 4-9 metric tons and setting the stage for comparable reductions in the following three or four years.

Marijuana

In spite of the RTG's stepped-up efforts, marijuana production continues to increase. Unless the RTG decides to commit major additional resources to marijuana eradication, the best that can be hoped for is a halt in annual production increases. Reliable production estimates are not available, but a well-financed aerial eradication campaign could probably halve production in the first year and reduce it to minimal quantities by the end of the third or fourth year.

B.4. Methodology for Estimates

Opium

The information and estimates contained in this report are based on a variety of U.S. and Thai sources. RTG agencies which gather data on hilltribe areas include ONCB, the Department of Public Welfare, HRC, the Forestry Department, and the Ministry of Interior. The first serious attempt at defining the size of opium production in Thailand took place under UN auspices in 1966. Numerous surveys using different techniques have been run since then.

In 1980 ONCB initiated an annual opium survey based on photographic coverage of all known growing areas. In addition to photographic coverage, ONCB survey relies on ground survey work by both survey team members and inputs from other government agencies. Careful examination of the data suggests that production variations over the last five years result primarily from variations in weather and price.

Marijuana

Marijuana cultivation and the prospects for its reduction have received limited attention compared to that placed on opium. There has never been a general survey of cultivated areas, either on the ground or from aircraft. Neither ONCB nor any other RTG agency has been able to estimate the total acreage planted or the tonnage produced. Since the size of the problem is unknown, we cannot estimate how much it could be reduced in any given year. U.S. sources also have not provided reliable estimates of the extent of production.

All estimates in this report are based on information and reports gathered from enforcement officers, Ministry of Interior Officials, and other government workers, supplemented by statistics on arrests and seizures.

C.1. Statistical Tables

Opium/Heroin	1985	1986 (est)
hectares cultivated	9654	6325
hectares eradicated	517	2800
hectares harvested	9137	3525
opium yield (4-4.5 mt/ha	35.7 MT	16-36 MT
loss factor (15%)	5.4 MT	2.4 MT
opium consumed	35 MT	35 MT
opium seized	3.3 MT	2 MT
opium exported	0	0
available for refining	0	0
heroin produced	0	0
heroin seized in country	2 MT	1.5 MT
heroin consumed in country	5 - 10 MT	5-10 MT
heroin exported to U.S.	0	0
heroin exported elsewhere	0	0

Cannabis/Marijuana	1985	1986 (est)
hectares cultivated	not available	not available
hectares eradicated	160	160
hectares harvested	N.A.	N.A.
cannabis yield	N.A.	N.A.
loss factor	N.A.	N.A.
cannabis seized in country	101 MT	105 MT
converted to hashish	0	0
hashish yield	0	0
hashish consumed	0	0
hashish exported U.S.	0	0
hashish exported elsewhere	0	0
marijuana consumed - in country	N.A.	N.A.
marijuana exported to U.S.	N.A.	N.A.
marijuana exported - elsewhere	N.A.	N.A.

DATA TABLES

	1987	1986	1985	1984	1983
GROSS CULTIVATION					
Opium	5160	6325	9654	7900	5700
Cannabis	N.A.	N.A.	N.A.	N.A.	N.A.
GROSS POTENTIAL PRODUCTION (MT)					
Opium	23	28	38	41.5	35
Cannabis	N.A.	N.A.	N.A.	N.A.	N.A.
HECTARES ERADICATED					
Opium	3500	2800	517	175	--
Cannabis	160	160	160	139	47.5
CROPS ERADICATED (MT)					
Opium	14	12	2.3	0.9	--
Cannabis	2500	2100	1974	1694	203
HECTARES OUT					
Opium	1-2000	1677	552	149	917
Cannabis	--	--	--	--	--
CROPS OUT (MT)					
Opium	4-9	7.4	2.4	0.8	5.6
Cannabis	--	--	--	--	--
NET CULTIVATION					
Opium	1660	3525	9137	7625	5700

NET PRODUCTION (MT)					
Opium yield	8	16-36	35.7	40.6	35
Cannabis	N.A.	N.A.	N.A.	N.A.	N.A.

REFINING No Estimate

SEIZURES (MT)					
Opium	1.2	2	3.3	3	1.6
Heroin	1.5	1.5	2	1.2	0.8
Other Opiate	--	--	--	--	--
Marijuana	80	105	101	112	81.3
Other Cannabis	--	--	--	--	--
Other Drugs	--	--	--	--	--

ARRESTS	1987	1986	1985	1984	1983
Nationals	35,500	35,000	37,350	33,938	30,659
Foreigners	180	180	190	212	148
LABS DESTROYED					
Heroin	--	--	--	--	--

	1987	1986	1985	1984	1983
DOMESTIC CONSUMPTION (MT)					
Opium	30-35	30-35	30-35	30-35	30-35
Heroin	5-10	5-10	5-10	5-10	5-10
Marijuana	Credible Figures not available				

LICIT PRODUCTION None

USERS (1000's)					
Opium	30-35	30-35	30-35	30-35	30-35
Heroin	50-100	50-100	50-100	50-100	50-100
Marijuana	Credible Figures are not available				

PART D: U.S. Assistance

See Appendix.

E. Resource Estimates

For 1986 U.S. narcotics control assistance to Thailand totals $3.9 million. Of that, $1.65 million is devoted to crop control programs, which will primarily support development efforts in villages which have agreed not to grow opium commercially. In 1987, U.S. narcotics aid is projected to increase to $5.65 million. Of that, $3 million is earmarked for crop control, with emphasis on temporary assistance to hilltribe villages to alleviate the economic and social impact of eradication, and equipment for eradication operations. Funds will be made available on a contingency basis to support an enforcement effort aimed at terminating all production in Thailand within a five-year period.

It is not possible to provide a figure for RTG government fiscal and personnel resources committed to anti-narcotics efforts. Significant portions of the Thai National Police, the Armed Forces, and a variety of RTG development agencies are involved in anti-narcotics activities, and the total RTG budget for this purpose far exceeds foreign donor contributions.

UNFDAC has assisted the RTG in preparing a master development plan for hilltribe areas. The plan calls for an investment of $70 million, $50 million of which is to come from foreign donors, to be spent in areas which have not yet received development aid. This plan, which has not yet received full RTG approval, has been rewritten to include clauses in all projects guaranteeing that villages receiving assistance do not grow opium for commercial purposes.

With the resources currently programmed, the RTG should be able to reduce opium production by almost 20 metric tons in 1986 and by another 6-10 tons in 1987 with the increased U.S. funding for crop control projects. If the 1987 level of U.S. crop control support could be introduced in 1986, the reduction in opium production could be accelerated, with a possible 5-8 tons cut from the annual total. This would fall somewhat short of the 6-10 ton reduction projected for 1987 under current funding, because there would be less time to implement expanded programs. The five-year termination program could probably be reduced to three years if resources could be concentrated in a shorter time, and a reduction of 10-13 metric tons in 1987 could possibly be achieved if crop control support totalled $5 million per year for three years.

These estimates assume that production will be terminated at an average level of 40 tons per year in a five-year or three-year time frame (at an average rate of 8 tons or 13 tons per year). Actual reduction would vary, based on weather, price levels, hilltribe immigration, and RTG control efforts.

The USG has made only a minor contribution to support RTG efforts at controlling marijuana. U.S. and other international assistance could play an important role in reducing marijuana cultivation. Should we insist on improved performance in marijuana control as a quid pro quo for our special bilateral relationship with Thailand, RTG officials would expect a significant expansion of U.S. assistance.

Footnotes:

1) Small refineries occasionally operate inside Thailand, usually for the purpose of refining locally procured opium into heroin to service the local market. As soon as such refineries are identified, the RTG moves against them.

2) This $50 million foreign donation is designed to take out of production an opium crop currently valued at less than $5 million a year, most of which never leaves the village, and almost none of which is converted into heroin for the U.S. market.

3) Opium prices can climb very rapidly in times of shortage. In 1979 and 1980, a drought affecting both Burmese and Thai production pushed the price up to as much as $500 a kilogram, more than ten times the lowest rate. This in turn produced significant production increases in 1981.

4) After opium was outlawed in 1958, many opium addicts turned to heroin because it was easy to conceal and use under illicit conditions. As a result most Thai believe that opium addicts will turn to heroin if opium becomes unavailable. Since heroin is considered to be a much more dangerous drug, the popular perception is that it is better to allow people to continue to use opium.

OTHER PACIFIC

AUSTRALIA

Australia's geographic isolation and its concentrated urban population in a vast, otherwise largely unpopulated territory are two important factors affecting its narcotics situation. A third is the nation's federal structure, which accords substantially more authority to the state governments than is true in the United States.

With the important exception of marijuana, illicit drug production is believed to be at a low level. Neither the federal nor the state governments have conducted epidemiological studies to determine the extent, distribution, or character of the narcotics problem. All conclusions about drug abuse are therefore drawn from secondary data or anecdotal information. Officials believe that marijuana use is endemic, and that cannabis is by far the most commonly abused of the illicit substances, followed by heroin and barbiturates. Some estimates place the heroin addict population in the range of 10,000-20,000, while others put the number as high as 45,000. The developed economy, the largely decontrolled financial markets, and the country's hard currency make it attractive to traffickers, as well as the long, largely unpatrolled shoreline, who may use the country as a transit point in efforts to avoid detection in countries of final destination. Increased seizures in late 1985 suggest that traffickers are attempting to establish a cocaine market. (Street prices for cocaine, double those in the United States, provide a strong incentive.)

Public awareness of the drug problem is high. The media frequently cover the narcotics problem, generally in a non-sensational manner. Some 50-80 percent of all property crimes are considered drug-related.

The Prime Minister hosted a special Premiers' Conference on Drugs in April 1985, which brought together the heads of state governments and federal officials. The participants committed their governments to a national campaign against drug abuse and obligated increased funding for narcotics control efforts. They opposed the legalization of heroin for medical treatment, and agreed that controls on marijuana should be maintained.

Australia is active in international drug programs. It is a signatory of both the Single Convention and the Convention on

Psychotropic Substances, and in late 1985 announced a 33 percent increase in its annual $180,000 contribution to UNFDAC.

NEW ZEALAND

Although the volume of narcotics and drug abuse is small compared to other developed countries, New Zealand faces a growing problem. The government and the public recognize the threat posed by narcotics. However, the commitment which the country shows toward controlling illicit drugs does not carry over to the control of licit amphetamines, barbiturates, and precursor chemicals. Codeine, for example, is available in non-prescription pharmaceuticals, and the chemicals needed to convert it into morphine are not controlled. Heroin is also made from codeine in New Zealand.

With the exception of marijuana (which grows throughout the country), most narcotics (including additional marijuana) are smuggled into New Zealand. Virtually all the marijuana appears to be consumed domestically. New Zealand is a transit point for cocaine between South America and Australia, and possibly for hashish enroute to the United States.

On occasion the New Zealand Police provide training, including narcotics enforcement training, to police officers from many of the small island states of the South Pacific.

SINGAPORE

Both the government and its citizens view Singapore as a victim country since it neither produces nor processes narcotics. The government, with enthusiastic public support, takes a hard line against narcotics. Rigid enforcement of existing laws-- including preventive detention-- keeps local drug abuse contained and effectively counters internal trafficking.

In the past Singapore has been criticized for not being as effective in dealing with the international aspects of the drug problem. However, the government appears to be taking a more aggressive attitude toward the issue. A number of government officials have publicly acknowledged that criminal groups have used Singapore as a heroin transit point, and stated that Singapore will take action against such groups. Recent activity by Singapore narcotics authorities suggest that more attention is being paid to the problem of transiting narcotics than had been the case in the past.

Singapore's highly developed transportation network, its position as a regional financial center, and its proximity to the Golden Triangle make it attractive to traffickers.

JAPAN

The hub of transportation routes between East Asia and North America, Japan is a transit country for Southeast Asia narcotics on their way to the U.S. Japanese police and customs officials offer excellent cooperation with foreign enforcement agencies in intercepting narcotics shipments. However, Japanese Customs does not routinely screen transit cargo. More importantly, Japanese law does not permit "controlled deliveries"-- an important means of uncovering the international links of criminal drug networks-- to pass through the country.

The U.S. is concerned by the increased activity of Japanese crime organizations-- the yakuza-- in the U.S. Drugs, together with prostitution and gun-running, are important sources of the yakuza groups' Japanese income, and they appear to pursue the same activities in the U.S. They were first detected in Guam and Hawaii, where large numbers of Japanese tourists go on vacation, and now also turn up on the West Coast. Three alleged yakuza members were arrested in Honolulu in September 1985 and were charged with drug smuggling and other offenses.

The government and the Japanese do not regard narcotics as a major problem in Japan. The domestic drug problem, largely limited to amphetamine abuse, is small compared to that of the U.S. Japan is a party to the 1961 Single Convention and its 1972 amendments. The Diet has not yet ratified the government's signature of the 1971 Convention on Psychotropic Substances.

AFGHANISTAN

A.1. Status of Illicit Narcotics in Afghanistan

The war in Afghanistan sparked by the Soviet invasion in 1979 and control by the Marxist regime in Kabul have made reliable estimates of narcotics production and trafficking in Afghanistan difficult. However, after a decline in the early 1980's, there are indications that both production and trafficking are on the increase. Afghanistan is probably the world's largest producer of opium for export and is the poppy source for a majority of the Southwest Asian heroin found in the United States and 80 percent of the heroin and morphine in Europe.

The 1985 opium crop in Afghanistan is estimated to have been about 300 - 400 MT, up from about 140 - 180 MT in 1984. DEA notes the usual trend and indicators which suggest Afghan production could be as high as 750-880 metric tons gross. Improved weather as well as a 40 percent increase in the price for opium gum at the Afghan-Pakistan border are responsible for the increase. Yields of opium in Afghanistan are perhaps 2-3 times higher than in Southeast Asia - some 20-30 kg./hectare - which would indicate that from 10-20,000 hectares are under cultivation. Continuous warfare in the countryside between the Afghan government (DRA) and the resistance apparently has had relatively little impact on opium production because poppy growing is generally found in isolated areas and requires little manpower, except at harvest time.

The disruption of traditional agricultural trade may have prompted more farmers to turn to poppy cultivation. It is an ideal crop in a war-torn country since it requires little capital investment, is fast growing and is easily transported and traded. Most poppy cultivation is in the provinces on the Afghan-Pakistan border; about half of this production is exported to Pakistan. Poppy is planted in the fall and harvested in the late spring.

Hashish is also traditionally produced in Afghanistan. No recent data is available on production, although it is believed to be at roughly the same levels as the mid-1970's, i.e. about 200-400 MT annually. Most is apparently consumed in Afghanistan, although there is international trafficking as well.

While much of the refining of opium into heroin for smoking and heroin hydrochloride has traditionally taken place outside of Afghanistan, there are indications that the number of heroin labs in eastern Afghanistan is growing. The lawless environment in the area, ideal for illicit activities, as well as increasing government pressure on the processors in Pakistan, may be prompting this shift.

International trafficking patterns of Afghan opium have also changed as result of the war. Although still active, traditional trade westward to Iran had declined but recovered in 1985, while trade eastward to Pakistan has increased sharply. Not only is this trade route shorter and more secure but the sharp decline in opium production in Pakistan (from 800 MT in 1978 to a range of 40 - 70 MT in 1985) has increased demand in Pakistan for opium to fill domestic as well as international demand.

Smuggling, moreover, is a traditional way of business among various tribal groups in Afghanistan. The 1400-mile Pakistan-Afghanistan border is mountainous and laced with innumerable smugglers' trails. The opium passes through the labs in the North West Frontier Province of Pakistan and to Peshawar and Karachi for domestic consumption and further refining and export. To the west, opium, morphine base and heroin are smuggled into Iran and onward though Turkey to Western Europe and the US. The mujahideen organizations have condemned opium production and use.

A.2. Accomplishments in 1985

There is little evidence that the DRA, preoccupied with its war with the insurgents, has taken any serious steps to control the opium trade. Even if it attempted a suppression program, the DRA's writ does not extend to the Afghan countryside. The seizures of opium announced by the DRA (5 MT in 1984) appear to be a by-product of efforts to interdict the resistance supply lines.

A.3. Plans, Programs and Timetables

There are no indications that the DRA has any plans to reduce poppy cultivation, although publicly it asserts that production has been curtailed by its land reform programs.

A.4. Adequacy of Legal and Law Enforcement Measures

Afghanistan is a party to the 1961 Single Convention and the 1972 Protocol as well as to the 1971 Convention on Psychotropic Substances. Poppy cultivation has not been banned by the DRA. However, opium and other narcotics production is prohibited except for legitimate medical uses by the 1957 Opium Act and the 1973 customs law. They are believed to be in effect, at least nominally, under the DRA. Enforcement of narcotics control is the responsiblity of the Interior Ministry's Anti-Smuggling Division, but it is small and ineffective. UNFDAC has a small program ($150,000 per year) to aid the Afghan police in narcotics control. Afghanistan did not attend the September 1985 meeting of the UN's Sub-commission on Drug Traffic in the Mid and Near East at which other countries in the region (Pakistan, Turkey, Iran) discussed means to stem the flow of illicit narcotics.

Any efforts at narcotics control that the DRA might undertake are not only hindered by the war but by widespread corruption among Afghan and Soviet authorities, some of whom are reportedly engaged in the trade themselves. Indeed, the DRA probably welcomes the hard currency and Western consumer goods that the the illicit traffic produces. There are press reports that the Soviet forces also have been involved in the movement of drugs or in bribery.

A.5. Drug Abuse, Prevention, Treatment and Rehabilitation Programs

While there are no reliable data on the extent of drug abuse in Afghanistan, opium has traditionally been used by segments of the population. Estimates in the 1970's put drug users, primarily opium smokers, in the 125,000 to 350,000 range. There are indications, however, that the smoking of heroin is on the increase. Press reports state that drug abuse - both heroin and hashish - among the Soviet forces has risen sharply and is of growing concern to the Soviet authorities.

C. Data Tables

Opium/heroin	1985	1986
Hec. Cultivated	10-20,000	12-25,000
Hec. Eradicated	Minimal	Minimal
Opium Yield (MT)	300-400	320-420
Opium Loss (MT)	30-40	30-40
Opium Seized (MT)	4	4
Opium Consumed (MT)	30-40	30-40
Opium Available for Export/Refining (MT)	240-320	260-340

INDIA

A.1. Status of Illicit Narcotics Production/Trafficking

India is the world's largest producer of licit raw gum opium. The entire process of opium production, licensing farmers, collection of raw opium and conversion into alkaloids for domestic use, and export is controlled by the Office of the Narcotics Commissioner in the Central Bureau of Narcotics. The Commissioner's determination of the amount of land to be licensed for opium poppy planting is based on existing opium stock and projections of future demand. Farmers are paid on a sliding scale according to the yield per hectare: the greater the yield, the higher the price per kilogram with the current rate (paid by the government) ranging between $10 and $25 per kg. The central government also establishes a minimum yield/hectare target; farmers who do not meet this target do not receive licenses for planting the following year. The current minimum yield is 30 kg/hectare.

Production Trends

Since 1979, India has accumulated larger and larger stocks of opium. As a result, the Government has moved progressively to reduce the amount of land licensed for opium production while at the same time increasing the required minimum yield. An unseasonable cold snap in February, 1984 damaged much of the crop and led to a total estimated production of 434 tons. The government licensed approximately 25,000 hectares in 1985, while keeping the minimum yield at 25 kg/hectare to aid the opium farmers who had been hurt by the cold snap. The minimum yield was raised to 30 kg/hectare in 1986 and total production for that year was an estimated 700 tons.

	1983	1984	1985	1986
Cultivators	171,365	131,039	130,000	120,000
Hectares	32,351	25,520	25,487	23,000
Production (MT)	997	434	764	700
Yield (Kg/Ha)	31.8	23.3	33	33

Opium Exports

Indian export of gum opium has declined in recent years due to several factors, but with the stabilization of world demand for raw opiates, India's exports should remain relatively constant for the next few years.

Exports of opium are as follows (in metric tons):

	1982	1983	1984	1985
Amount Exported	845	677	600-700 (est)	600-700 (est)

Opium Stocks

Declining exports of opium have led to an increase in Indian opium stocks. The prospect of reduced hectarage in future years suggests India might be able to work down some of its accumulated opium stock. However, two new strains of opium poppy have been developed which have higher yields of both latex and seeds. In addition, the government plans to continue raising the minimum yield per hectare requirement, so it is not clear what future production will be. Indian press reports indicate two new poppy varieties, Shweta and Shyama, yield in excess of 60 kg/hectare, which would significantly increase production, possibly leading to escalating stockpiles and possible diversion into illicit channels.

	1982	1983	1984	1985	1986
Stock	2,264	2,234	2,382	2,050 (est)	2,000 (est)

Illicit Production

There is no reliable current estimate of illicit poppy cultivation in India. There have been unverified reports of some illicit cultivation in Gujarat and along the Kerala/Tamil Nadu border. It appears, however, that opium traffickers obtain their stocks mainly through diversion from licit production and smuggling from Afghanistan and Pakistan.

Diversion from Licit Production

Traditionally, diversion of opium from licit production occurs in two ways: by actual diversion of the raw opium itself, and through theft from the two government factories (in Neemuch, near the Madhya Pradesh Rajasthan border, and Ghazipur) after it has been processed into morphine. Diverted opium brings between $90 and $160 kg on the black market, many times the official government rate.

Estimates of the amount of opium that is diverted vary widely. Some sources estimate that between 20 and 30 percent of the opium produced in India may be diverted to the black market before it enters the Government's collection system. Consequently, this opium is not included in the GOI's official statistics. If this estimate is accurate, this would mean that in a normal production year in India, approximately 250 tons of opium is available for illicit use or clandestine conversion to morphine and/or heroin. Much of this diverted opium is consumed internally by India's own user population. There have been, however, small seizures of Indian opium reported in Sri Lanka, Bangladesh and Mauritius.

Heroin Production

Recent reports indicate that illicit heroin production is increasing in India. Besides the large supply of raw opium that is available, India also has an extensive chemical industry. At least ten firms legitimately manufacture acetic anhydride (AA), a key chemical used in heroin production. The Indian government in early September 1985, placed AA within the regulations of the Indian Essential Commodities Act. Any sale, transportation, distribution, or possession of AA outside a manufacturing plant without valid certification by the Government of India is now a criminal offense. It is too early to judge how effective this new legislation will be in reducing the flow of AA to heroin producers. There were no restrictions previously on the sale or production of AA, and reports indicated that Indian-produced AA was reaching heroin laboratories not only in India, but in the Golden Triangle as well.

Six clandestine labs were located and dismantled by Indian authorities in 1983. In 1984 and 1985, most of the labs seized were located in Uttar Pradesh, close to the licit growing areas. During 1984, the available evidence indicated that the lab operators were Indians. Data from early 1985 indicate that labs are also now operated by Pakistanis, Afghans, and Europeans. Recent seizures also indicate upgraded conversion capabilities. Laboratory analyses of seized injectable heroin hydrochloride (HCL) tabulated a purity rate between 68.7 percent and 94.6 percent. Captured heroin base (smoking heroin) was between 50 percent and 73 percent pure. One heroin base seizure indicated a manner of processing usually associated with Chinese chemists in the Golden Triangle. For comparison, two years ago HCL was 28 percent to 45 percent pure, and heroin base was 12 percent to 19 percent pure.

Since July, 1985, two laboratories have been seized, the most recent being in September in Bombay. In two separate seizures, a total of 17.8 kg of heroin was seized with large quantities of various chemicals, including AA and sodium carbonate. The lab was converting indigenous Indian morphine base obtained from independent lab operations in Uttar Pradesh.

Heroin Traffic

By virtue of its geographical position, India is used as a transit point for narcotics coming from the Golden Crescent and the Golden Triangle areas. Seizure data reflect this growing phenomenon.

	1983	1984	1985 (5 mos)
Heroin Seizures in Europe Originating in India (kgs)	169	280	172
Heroin Seizures in US Originating in India (kgs)	22	81	59

Recent data from the UK indicate a shift of trafficking routes from Pakistan to India for heroin targeted on the UK. Indications are that the heroin is not produced in India, but comes from the Afghan/Pakistan border.

Smuggling Routes

Smuggling is not a recent phenomenon in India. Heroin flows across the India-Pakistan border primarily in the Punjab area, and to some extent through the Rann of Kutch on the Gujarat-Pakistan border. Unprocessed heroin from Afghanistan and Pakistan is smuggled through India's western border and from Nepal and Burma on the east. Acetic anhydride and processed heroin is smuggled from India (usually through Bombay or New Delhi) to the West. Many Indians instrumental in this traffic are based in the UK, the Netherlands, Canada, and the U.S.

Cannabis Production

Cannabis grows wild throughout India. Known or suspected areas of large-scale cultivation include the states of Jammu and Kashmir, Orissa, West Bengal, and Kerala. Hashish and hashish oil are known to be manufactured in the Northern states and the states bordering Nepal. The total domestic production of hashish is not known.

In addition, hashish produced in Pakistan and Nepal is smuggled into India for consumption and for export to the West. Reportedly, most Afghan hashish is re-exported because the quality is not popular with Indians.

Cocaine

There is no evidence of significant production or trafficking of coca or cocaine in India.

Mandrax

The Indian Government prohibited the production and export of methaqualone, or mandrax in 1984. However, this prohibition seems to have had little effect since trafficking and seizures continue. With considerable uncontrolled production in existence, no substantial improvement is expected in the near future.

Worldwide Seizures of Indian-Produced Methaqualone:

1982	1983	1984	1985 (4 mos)
194 kg	181 kg	405 kg	132 kg

(There are approximately 4,000 dosage units per kilogram of Mandrax.)

Indian seizures increased from 15 kgs in 1983 to 245 kgs in 1984. Over 52 kgs were seized in Bombay in the first quarter of 1985.

A.4. Adequacy of Legal and Law Enforcement Measures

In early September, 1985, India passed the new Narcotic Drug and Psychotropic Substances Bill. As mentioned earlier, the Government also placed acetic anhydride within the regulations of the Essential Commodities Act. Although it is too early to assess their effectiveness, these two measures represent significant steps by the government in providing its narcotic enforcement agencies with legislative and investigative tools to combat illicit drug use and trafficking. Highlights of the narcotics drug and psychotropic substances bill are as follows:

1. Increased penalties were specified for the possession, sale, cultivation, import, export, or manufacture of controlled substances and for engaging in a conspiracy to violate the existing narcotics legislation. The amount of controlled substances that would result in the increased penalties were not defined. The increased penalties for convicted narcotics violators are: first offense, 10 to 20 years and fines; second offense, 15 to 30 years, with fines.

2. A new agency, the Central Economic Intelligence Bureau (CEIB), was created within the Ministry of Finance to coordinate the Government's drug policies. The legislation also provided enhanced powers to officers of India's Customs Service, Narcotics Commission, and the Central Bureau of Investigation in the areas of entry, search, seizure, and arrest without warrants or authorization.

3. Courts will presume the accused are guilty unless and until innocence is proven.

4. Immunity would be granted to an accused violator if the defendant fully cooperates with the government investigation.

5. Mandatory reporting of all arrests and seizures would made under the authority of the Act; all substances, plants, articles, and conveyances found to be in violation of the law would be confiscated.

The new law establishing CEIB went into effect on November 14, 1985 and within two weeks the New Delhi police had arrested 381 people under its new authority. CEIB's director reportedly has plans to establish a strike force composed of various government enforcement agency representatives in Bombay to combat drug trafficking in that city.

The passage of stronger anti-drug laws and the creation of CEIB to coordinate overall drug policy are indications of India's resolve to move positively and forcefully on the drug issue.

A.5. Domestic Drug Abuse Problem

There are no accurate statistics on drug use in India. Judgments are based on a number of sources, e.g., law enforcement officials, and health care reports to name a few. Opium, marijuana, and hashish are widely used throughout India. The opium addict/user population is estimated to be 3 to 5 million; far more use marijuana and hashish. Opium addiction is concentrated in Northern India, in and near the areas of licit poppy cultivation, in the Punjab, and in major cities. It is also likely that there is a substantial addict population in the Eastern states which border Burma. Opium addicts in India traditionally ingest the gum both for medicinal purposes and to alleviate fatigue and hunger. There is also considerable use of a smoking product which is made by mixing opium and hashish. It now seems that there is a growing problem of heroin addiction, although reliable figures are very difficult to come by. Judging by the increased seizures of higher grade heroin and the growing number of clandestine laboratories in India, it seems clear that heroin use is on the rise.

B.1. Nature of the Illicit Drug Production Problem

There is very little illicit opium production in India; most of the illicit opium either is diverted from licit production, or is smuggled in from Pakistan. Estimates of diverted opium range as high as 250 (or more) tons. Virtually all of the diverted opium is consumed domestically. While there is no evidence of large scale heroin production in India, there are indications that heroin production of increasing quality is on the rise

B.2. Factors Affecting Production

In the areas of Madhya Pradesh, Uttar Pradesh, and Rajasthan where licit opium is grown, opium is the principal cash crop. A government license to produce opium is much sought after; the returns from licit opium production are considerably greater than the returns from other cash crops such as wheat or sugar cane. Elimination of opium production altogether would have severe economic consequences in these areas. There is no indication that the Government intends to give up its position as the dominant world supplier.

B. 3. Maximum Achievable Reduction

Licit opium production increased to approximately 764 metric tons in 1985 from the low output of 434 metric tons in 1984. For 1986, the government has licensed approximately 23,000 hectares and anticipates a harvest of around 700 metric tons.

B.4. Methodology for Estimates

Opium/Heroin

Hectares cultivated (illicit only)	negligible	negligible
Hectare eradicated (illicit only)	none	none
Hectares harvested (illicit only)	negligible	negligible
Opium yield (illicit only)	unknown	unknown
Opium consumed (illicit only)	200-250MT	200-250MT
Opium seized	8MT (EST)	N/A
Opium exported (illicit only)	negligible	negligible

Available for:

Refining	unknown	unknown
Heroin produced	unknown	unknown
Heroin seized	513 kg	unknown
Heroin consumed in country	unknown	unknown
Heroin exported USA	unknown	unknown
Heroin exported elsewhere	unknown	unknown

Cannabis Production

No Data Available

Cannabis Seized in India

No Data Available.

Data Tables

Cultivation:	1987	1986	1985	1984	1983
Opium (illicit)	Neg.	Neg.	Neg.	Neg.	Neg.
Cannabis	No Est.	No Est.	No Est.	No Est.	No Est.

Arrests:

No Data Available.

Seizures:

	1987	1986	1985	1984	1983
Opium	No Est.	No Est.	6.02	3.62	6.59
Poppy Husk	No Est.	No Est.	44.15	24.26	89.86
Heroin	No Est.	No Est.	.513	.079	.138
Morphine	No Est.	No Est.	.113	0.005	0.021
Coca	No Est.	No Est.	None	None	None
Cocaine	No Est.	No Est.	None	None	None
Other Coca	No Est.	No Est.	None	None	None
Marijuana	No Est.	No Est.	36.50	9.7	17.2
Other Cannabis	No Est.	No Est.	N.A.	3.0	6.1
Mandrax	No Est.	No Est.	.086	0.40	0.09

Labs Destroyed:

Heroin	No Est.	No Est.	2	1	1

Domestic Consumption:

Opium	200-250	200-250	200-250	200-250	200-250
Heroin	No Est.	No Est.	No Est.	No Est.	No Est.
Opiates	No Est.	No Est.	No Est.	No Est.	No Est.
Coca	No Est.	No Est.	Neg.	Neg.	Neg.
Cocaine	No Est.	No Est.	Neg.	Neg.	Neg.
Other Coca	No Est.	No Est.	Neg.	Neg.	Neg.
Marijuana	No Est.	No Est.	No Est.	No Est.	No Est.
Other Cannabis	No Est.	No Est.	No Est.	No Est.	No Est.

Licit Production:

Opium	No Est.	700 (est)	764	434	997

Users (millions):

Opium	3-5	3-5	3-5	3-5	3-5
Heroin	No Est.	No Est.	No Est.	No Est.	No Est.
Other Opiates	No Est.	No Est.	No Est.	No Est.	No Est.
Coca	Neg.	Neg.	Neg.	Neg.	Neg.
Cocaine	Neg.	Neg.	Neg.	Neg.	Neg.

D. Status of U.S. Assistance (Millions of U.S. Dollars)

See Appendix.

E. Resource Estimates

Illicit opium production in India is negligible. There is no connection between licit production and levels of international and U.S. assistance expected in FY 1985 and FY 1986. Since India does not wish to relinquish its role as supplier of licit opiate raw materials, it is doubtful that any increase in assistance would have an impact on production in 1986 and 1987.

LEBANON

A.1. Status of Illicit Narcotics Production and Trafficking

Lebanon is the world's major producer of hashish. It also cultivates opium poppy and is a key processing/transshipment center in the mid-East.

Hashish production in 1985 is estimated at 720 MT, up from an estimated 350 - 400 MT in 1984. An estimated 350-400 MT is available for export to Egypt and other countries in the mid-East, Western Europe and the United States. Lebanon supplies about 45 tons of hashish annually to the United States, some 30 percent of the U.S. market. Cultivation of cannabis is believed to be about 20,000 hectares.

Reports of poppy cultivation vary widely from 250 to 3000 hectares. The Beirut press reports that poppy cultivation has expanded sharply in the last two years but this has not been verified. Lebanese heroin labs also process Southwest Asian opium into heroin for export to Europe and the U.S. Extensive Lebanese trafficking rings have been identified by law enforcement authorities.

The civil strife which has engulfed Lebanon since 1975 has favored both producers and traffickers. Most hashish and poppy are cultivated in the Bekaa Valley which is occupied by the Syrian military and is effectively outside of Lebanese central government authority. Lebanon has fragmented into a patchwork of virtually autonomous states with the central government controlling only a small fraction of the national territory. It is not in a position to curb the narcotics trade or provide reliable data on production or trafficking.

Traffickers and producers, however, have adapted to the chaotic conditions. By paying "road taxes" to the forces controlling various areas of the country, they are able to move their products to the international market through Mediterranean ports such as Tripoli or through the Beirut and Damascus airports.

C.1. Statistics

Hashish	1985
Ha. Cultivated (Cannabis)	20,000
Yield (36 kg./ha.)	720 MT
Domestic Consumption	120 MT
Loss	200-250 MT
Exports	350-400 MT
Exports to the U.S.	45 MT

MT = metric tons

PAKISTAN

A. 1. Status of Illicit Narcotics Production/Trafficking

Pakistan is both a producer of opium and a processor of Southwest Asian opium into heroin. The principal U.S. narcotics objective remains the eventual elimination of this opium poppy cultivation and curbing the production and trafficking of opium and its derivatives (i.e., morphine and heroin). An estimated 2.5 metric tons of heroin produced from Southwest Asian opium enters the United States annually, largely refined in or transshipped through Pakistan. Pakistani opium production has declined from some 800 metric tons in 1979 to an estimated 40-70 tons in 1985. Improved information reveals Pakistani production to be higher than originally estimated (40-50 mt in 1984). The principal cultivators of opium in Southwest Asia are Afghanistan and Iran; however, much of the Afghan production is refined in and/or trafficked through Pakistan.

The United States will continue to assist the Government of Pakistan (GOP) in its efforts to enforce its statutory proscription against opium poppy cultivation, production, refining and trafficking.

A survey of some 2,200 individuals confirms a change in the perception that drug abuse is an external problem. Most respondents believed the use of heroin and opium is serious and on the upswing, and that the GOP should accord a high priority to enforcement efforts. The evidence is that President Zia, Prime Minister Junejo and the overwhelming majority of the political establishment share these views.

It is not known how much opium is consumed in Pakistan. A 1984 survey by the Pakistani Narcotics Control Board (PNCB) estimated that 30 metric tons of heroin (of 60 percent purity) was consumed in Pakistan by what was conservatively estimated to be 150,000 addicts. However, the PNCB estimated unofficially in 1985 that the heroin addict population could be as high as 300,000 persons. (The higher addict figure may be correct, but it calls into question the estimates on domestic use; the consumption rate previously cited would mean that 300,000 addicts used 60 metric tons of heroin, equal to 396 tons of opium, a figure unsubstantiated by any study). The PNCB plans to update the survey and check its methodology.

Opium produced in the Northwest Frontier Province (NWFP) is transshipped by road to the Province's tribal areas where it is refined into heroin, transported by truck to Peshawar and distributed via the following routes:

-- by road southward through the NWFP and the Western areas of Baluchistan adjacent to the Afghan border. From Baluchistan, heroin is transported westward to Iran, Turkey, Europe and the United States.

-- by road southward to the Makran coast (Baluchistan) where it is shipped to the United States via the Persian Gulf States and/or Europe.

-- by road, rail, or plane to Karachi, Rawalpindi, or Lahore where it is routed by sea or air to the United States by way of either New Delhi, Bombay, the Persian Gulf States, and/or Europe.

Pakistan hashish (cannabis resin), produced from local cannabis plants, is exported essentially along the same routes used by the heroin traffickers. Opium and/or heroin originating in Afghanistan also finds its way to Peshawar via the tribal areas east of the Durand Line.

Prior to the 1985-1986 planting season, the retail price of drug opium jumped markedly on the wholesale market in Landi Kotal (NWFP): 1 kg costing the rupee equivalent of approximately $170, up 300% per kilo for normal semi-dry opium. Over the past two years similar price increases have been reported prior to the new planting season, but at time of harvest, the price drops considerably. Clearly, the announced price increases are to encourage frontier farmers to resist government efforts to halt opium poppy cultivation.

A.2. 1985 Accomplishments

Opium poppies were completely eradicated in the Malakand Agency during the 1984-85 growing season, pursuant to the terms of the enforcement schedule of the FY 1984 Malakand Area Development Project Agreement. In addition, the Pakistan Government adhered to the enforcement timetables governing the Adinzai Tehsil of the Dir District and the Gandaf Union Council of the Gadoon-Amazai area.

Through the first six months of 1985, the PNCB reported seizures of more than 5,000 kgs of heroin and 88,192 kgs of hashish by local enforcement authorities. By comparison, 2,332 kgs of heroin and 50,816 kgs of hashish were captured in 1984. Six heroin laboratories were destroyed in the Northwest

Frontier. Responding to Government pressure, another twenty-three laboratories were surrended in the Khyber Agency during November and December, 1985.

Following the First Ladies' Conferences on Drug Abuse, Pakistan's First Lady, Begum Zia-ul-Haq, enlisted the cooperation of non-government organizations to tackle the country's domestic drug abuse problem. Begum Zia's involvement in narcotics issues may serve as a catalyst for greater public awareness and for greater GOP enforcement efforts.

The role of international organizations and other donors expanded in 1985. The British and Canadian governments have contributed 2.4 million pounds and $1 million Canadian dollars respectively to the Special Development and Enforcement Plan, which is being managed by the United Nations Fund for Drug Abuse Control. The United Kingdom has provided an additional 60,000 pounds for law enforcement equipment and training. Also, Saudi Arabia in 1985 gave UNFDAC a grant of $1.2 million (over three years) for an education and treatment program.

During the past year, INM funded a number of demand reduction-related workshops for 250 private medical doctors which provided detoxification and treatment training. In July, sixty social workers in Karachi participated in a seminar on anti-drug community action programs.

In the spring of 1985, the Government of Pakistan signed an agreement with the United States for assistance in conducting an aerial survey of opium poppy cultivation in the NWFP, and for upgrading the laboratory and analytic capabilities of the survey of Pakistan.

The four Drug Enforcement Administration training advisers assigned to the Task Force Units in Lahore, Peshawar, Karachi and Islamabad arrived in the latter half of 1985.

A.3. Plans, Programs and Timetables

The Government of Pakistan is committed in the 1985-86 growing season to extending its opium poppy ban in Gadoon to Gani Chatra and Kabgani, the Union Councils north of Gandaf. Approximately 1,500 acres are expected to be taken out of cultivation this year in these two areas. With respect to Dir, in 1985-86 the Pakistanis are obligated by the terms of the Special Development and Enforcement Plan's (SDEP's) enforcement schedule to eliminate poppies in the Adinzai Tehsil. The ban was extended to Adinzai in 1984-85 under the U.S. outreach program.

A.4. The Adequacy of Legal and Law Enforcement Measures

During the past year, civilian and martial law tribunals have consistently awarded prison terms in narcotics cases commensurate equal to or greater than the statutory minimum of two years. Moveover, judges have been reluctant to grant bail in narcotics cases. The lifing of martial law in December, 1985 has resulted in all narcotics criminal cases being transferred to civilian courts, a move which may mean greater difficulty and delays in prosecuting drug traffickers. During a recent BBC interview, President Zia raised the possibility of having special tribunals assume exclusive jurisdiction over narcotics cases.

In July, the Government of Pakistan declined a U. S. Government 1984 extradition request for Zulquarnan Khan, charged in 1984 by a Las Vegas Federal District Court with conspiracy to import heroin into the United States, on grounds that no decision could be made on extradition until Khan completed his three-year sentence on another narcotics offense.

The 1969 Customs Act has yet to be amended to provide for the same minimum two-year penalty required under both the Prohibition Order (Enforcement of Hadd) and the Dangerous Drugs Act for Narcotics Trafficking. Pakistan Customs is in the process of changing the Customs Act in order that it be consistent with the Hadd Ordinance.

There has been a serious effort to extend Government enforcement controls to the tribal areas of the NWFP. As a result, twenty-seven heroin laboratories were destroyed or surrendered this year in the Khyber Agency.

The PNCB, a semi-autonomous agency within the Ministry of Interior, is the principal governmental body concerned with the narcotics control effort. The Government established the PNCB in March 1973 in fulfillment of its obligations under the UN Single Convention on Narcotic Drugs. The charter creating the Board gives it a wide range of duties of an enforcement, advisory, supervisory and coordinating nature. The PNCB, currently headed by Chairman Dilshad Najmuddin, formerly Inspector General of Police in the Sind and Baluchistan, has regional offices in each provincial capital to which Joint Naroctics Task Force Units (JNTF) are attached. The fifteen JNTF Units are enforcement groups with personnel assigned to them from the PNCB, the Provincial Police, the Provincial Excise and Taxation Departments, and, in certain units, Customs. Although staffing has increased over the past year, INM has postponed the procurement of additional commodities and equipment for the JNTF units pending completed staffing arrangements.

Other governmental agencies responsible for enforcing narcotics laws are: the Customs Service of the Finance Ministry, the Provincial Police Forces; the Provincial Departments of Excise and Taxation; the Federal Investigation Agency; the Airport Security Force; the Coast Guard; the Frontier Constabulary; the Pakistan Rangers; The Northwest Frontier Levies; the Bajaur Scouts; the Dir Scouts; the Malakand Scouts; the Mahsood Scouts; and, the Baluchistan Scouts. With the creation of the joint task forces, and greater appreciation of the seriousness of the narcotics threat, the Provincial Police, once only marginally interested, are increasingly more involved in narcotics interdiction. In addition to the special Customs forces working at ports of entry, the 20 Customs mobile anti-smuggling units became involved this past year in narcotics enforcement.

In 1985, the Government established a Federal Narcotics Law Enforcement Committee, an inter-agency body consisting of senior federal and provincial officials. The committee has agreed to expand the number of joint narcotics task force units and to prepare a program on preventive education.

Besides the 18 DEA officers permanently assigned to Pakistan, the following countries have stationed narcotics enforcement officers in country: Federal Republic of Germany, the Netherlands, United Kingdom, Norway Police, Australia.

A.5. Domestic Drug Abuse Policy

The PNCB reports that the number of heroin addicts has increased to at least 300,000 in 1985 from a reported 250,000 in 1983-1984. The Board also estimates 315,000 opium users.

While newspaper articles and television programs warn against the harmful effects of drug usage, preventative education is not included in schools' curricula. INM provided funding in November for a USIA/PNCB sponsored conference aimed at increasing the ability of nongovernmental organizations to work with local communities coping with the narcotics problem. The conference (November 1985), attended by the some 500 individuals, drew the support of Begum Zia and senior GOP officials.

There are twenty-six inpatient and outpatient narcotics treatment centers in Pakistan; 300 beds are reserved for inpatient addiction treatment. The centers, using the "cold turkey" approach coupled with symptomatic treatment of withdrawal pains, report a 20% cure rate, but this figure is questionable as patients are not tracked once they are released.

In an effort to augment the treatment facilities, the U.S.-Pakistan 1984 Demand Reduction Project Agreement called for funding to train approximately 250 private medical practitioners in the treatment and rehabilitation of narcotics addicts. 1985 Demand Reduction Project monies will be used to train more physicians in the coming year.

B.1. Nature of Illicit Drug Production

There is no licit narcotics production in Pakistan. The PNCB estimates that 40 metric tons of opium were produced from 1,788 hectares of opium poppies grown in Dir, Gadoon, Bajaur, Mohmand, Orakzai and the Black Mountains. Gross cultivation, before eradication of 90 hectares, is estimated at 1,878 hectares. As noted before, the Board's survey does not include such growing areas as South Waziristan, Kurran, Khyber and Kohistan. The Board's survey, as in earlier years, is based on physical inspections, a review of Provincial Department of Agriculture records, and interviews with area farmers.

The U.S. estimate is that opium production, reported in the previous INCSR at 40-50 mt, was at 40-70 mt in 1985, with cultivation in the range of 1,778 to 3,566 hectares. While opium production may have increased marginally in 1985, the estimate largely reflects improved data on cultivation and production, particularly on opium cultivation in remote areas of the NWFP. The projections are also based upon recent reports indicating increased opium poppy cultivation in those areas not now subject to the ban on cultivation, i.e., areas lacking development projects.

A more definitive assessment of 1985 production awaits analysis of the photography acquired during the 1985 survey. A second survey is in preparation for 1986.

Again, it is estimated that 2.5 metric tons of Southwest Asian heroin reaches the United States, following its manufacture in or transhipment through Pakistan, primarily from Afghanistan. An estimated 3.6 metric tons of Southwest Asian heroin were exported to Europe from Pakistani sources. An unknown quantity of raw opium is also sent to Iran to satisfy its addict population. Production of opium in both Afghanistan and Iran may be as high as 400 metric tons annually, according to U.S. estimates.

Cannabis, which grows wild throughout Pakistan, is systematically cultivated in Chitral and other northern areas of the country, but records are not kept on this crop.

B.2. Factors Affecting Production:

Geographic, economic, social, and political considerations are interrelated in the narcotics control equation. The rugged, mountainous terrain of the NWFP is conducive to poppy growth and the cash return in rainfall areas is higher than for licit crops. The development of the economic infrastructure of the poppy growing areas (e.g., Malakand area development project), along with the introduction of higher yield varieties of conventional crops, are important considerations which allow the GOP to enforce its ban on opium cultivation. Moreover, linking opium reduction to Islamic principles in the deeply religious tribal regions has sometimes been an effective government strategy. Independence of tribal groups in Baluchistan and the NWFP make enforcement efforts even more difficult if no other forms of cash crops can be grown. Pakistan enforcement efforts are also hindered by the ability of drug traffickers and processors to operate more freely in Afghanistan, just west of the Pakistani border.

The light winter rains contributed to reducing opium output during 1984-85. According to the PNCB estimates, the shortage of rainfall was a factor in decreasing the estimated area under cultivation from about 2,750 hectares in 1983-84 to 1,878 hectares in 1984-85.

While individual Afghan refugees are known to be involved in the heroin trade -- as opium farmers, stockists, refiners, middlemen, or traffickers -- there is no evidence indicating that the Afghan Mujahadeen freedom fighters have been involved in narcotics activities as a matter of policy to finance their operations. Mujahadeen leaders have stated publicly they will not become involved in the narcotics trade. Also, there is no evidence suggesting that the political opposition (Pakistan Peoples Party or others) has been involved in narcotics. Some opposition leaders in the NWFP, however, have in the past advised poppy farmers to continue growing opium poppy until such time as the GOP is prepared to reimburse for lost income.

It is extremely difficult to quantify the income generated by narcotics in Pakistan, but the figure is believed to be significant. As elsewhere, the profits increase along the production network from farmer to trafficker, and Pakistanis are increasingly engaged as traffickers and distributors.

As in the case of many less-developed countries, Pakistan is a society where law enforcement is a poorly paid profession. Financially-strong traffickers are often able to thwart government control efforts with gratuities given to enforcement officials. With four notable exceptions, the major traffickers in Pakistan have eluded arrest. However, the PNCB, as well as Pakistani Customs, have assisted and facilitiated DEA-initiated investigations which have resulted in the arrest within the United States of major traffickers who are Pakistani nationals. DEA officials note the corruption, but say there are numerous dedicated law enforcement officials in Pakistan, fully committed to close coordination in the fight against narcotics trafficking.

B.3. Maximum Achievable Reduction

U.S. and Pakistani officials agree that production in 1985 could have been higher, if there had been sufficient rainfall.

The Government of Pakistan projects that net cultivation and opium output in the 1985-86 growing season will be 1,528 hectares and 35 metric tons. This assessment says that production is falling by 5 mt of opium per year for 1985 and 1986. U.S. officials estimate 1986 cultivation and output could range from 1,500 hectares to as high as 2,800 hectares, yielding 35-65 metric tons of opium, compared to an estimated 40-70 metric tons in 1985. Both estimates assume eradication of 350 hectares and a yield of 22.9 kg of opium per hectare.

NWFP Governor Fazle Haq repeatedly voiced his strong opposition to opium cultivation in the Frontier. Government agencies seem committed to enforcing the poppy cultivation ban in the Malakand Agency, the Adinzai Tehsil of Dir, the Buner Region and the Gandaf, Gani Chatr and Kabgani Union Councils of Gadoon. Other poppy growing areas of the NWFP, however, are not encompassed by this year's enforcement schedules: upper Dir, the areas of Gadoon north of Gani Chatra and Kabgani, Bajaur, Mohmand, the Black Mountains, Orakzai, Kurram, Khyber, and Kohistan. Moreover, the current price of dry opium in the wholesale market of Landi Kotal (i.e., rs. 2700 or $170 per kg.) may stimulate increased cultivation to as much as 9,000-10,000 acres.

The PNCB anticipates that during the 1986-87 season poppy output will decrease to 25-30 metric tons, assuming the ban on opium cultivation will be completely enforced in all of Gadoon and in one-third of Dir. (Projection figures are not available for opium poppy cultivation in the Adinzai, Timegara, Munda, Balambat, Samar Bagh and the Lal Qila areas of Dir.)

B.4. Methodology

PNCB estimates are based on surveys, which cover production areas that account for about 90% of total opium production and use actual on-site inspection and measurement, in addition to interviews with farmers and Agriculture Department personnel. U.S. estimates augment this information.

C.1. Statistical Tables

Summary Table - Opium/Heroin (1985):

Hectares Cultivated	1,878
Hectares Eradicated	90
Hectares Harvested	1,788
Opium Yield (22.3 kg/ha)	40 metric tons
Loss Factor	not known
Opium Seized (thru 6/85)	1,426 kgs
Opium Consumed	not known
Opium Exported	not known
Opium Avaiable for Refining	not known
Heroin Produced	not known
Heroin Seized (thru 6/85)	2,837 kgs
Heroin Consumed In-country	30-60 metric tons (60% purity)
Heroin Exported to U.S.	2.5 metric tons
Heroin Exported Elsewhere	3.6 mertic tons

Summary Table - Opium/Heroin (1986): (estimated)

Hectares Cultivated	1,878
Hectares Eradicated	350
Hectares Harvested	1,528
Opium Yield	35 metric tons
Loss Factor	not known
Opium Consumed	not known
Opium Seized	1 metric ton
Opium Exported	not known
Opium Available for Refining	not known
Heroin Produced	not known
Heroin Seized In-country	2.5 metric tons
Heroin Consumed In-country	30 metric tons
Heroin Exported to USA	2.0 metric tons
Heroin Exported Elsewhere	2.0 metric tons

Notes:

It is not known how much of the heroin refined in Pakistan is produced from Pakistani as opposed to Afghan opium, nor are there reliable estimates on domestic opium and heroin consumption.

Summary Table - Cannabis (1985)

Hectares Cultivated	unknown
Hectares Eradicated	unknown
Hectares Harvested	unknown

Cannabis Seized In-country	88,192 kilos through 6/85
Hashish Yield	unknown
Hashish Consumed	800,000 users
Hashish Exported	unknown
Marijuana Consumed	unknown
Marijuana Exported	unknown

Estimated Summary Table - Cannabis (1986):

Hectares Cultivated	No estimates

Notes:

DEA estimates that approximately 60% of the hashish available in the U.S. is of Pakistani origin.

Data Tables (Based on PNCB Statistics):

Note: Asterisk (*) indicates unknown

	1986-1987	1985-1986	1984-1985	1983-1984	1982-1983
Gross Cultivation (hectares) (note 3):					
Opium	1,116	1,562	1,878	1,750	2,630 (note 1)
Cannabis	*	*	*	*	*
Gross Potental Cultivation (metric tons):					
Opium	25-30	35	40	45	63
Cannabis	*	*	*	*	*
Hectares Eradicated:					
Opium	*	*	*	70	210
Cannabis	*	*	*	*	*
Crops Eradicated (metric tons):					
Opium	*	*	*	1.2	3.7
Cannabis	*	*	*	*	*
Hectares Out:					
Opium	446	346	223	610	235
Cannabis	*	*	*	*	*
Crops Out:					
Opium	7.9	5.6	n/a	10.9	4.2
Cannabis	*	*	*	*	*
Net Cultivation (hectares):					
Opium	*	*	*	*	*
Cannabis	*	*	*	*	*

Refining:

Heroin	*	*	*	*	*
Hashish	*	*	*	*	*

Notes:

1. Planting starts in fall of one year; harvest is in the spring of the following year. Estimates of potential production are made in spring of following year. Eradication may take place in fall of one year and/or spring of next year. Final estimates of eradication completed are made in the spring.

3. PNCB estimated 9.27 kilograms of opium per acre. With one hectare equalling 2.47 acres, this represents 22.9 kilograms opium per hectare.

Seizures:

Opium	1987	1,000 kgs
	1986	1,500 kgs
	1985	1,426 kgs (thru 6/85)
	1984	8,501 kgs
	1983	19,550 kgs
Heroin	1987	3,000
	1986	3,000 kgs
	1985	5,000 kgs
	1984	2,332 kgs
	1983	3,376 kgs
Cannabis (resin)	1987	80,000 kgs
	1986	80,000 kgs
	1985	88,192 kgs
	1984	50,816
	1983	31,566 kgs
Methaqualine	1987	no estimate
	1986	no estimate
	1985	7,806 (thru 6/85)
	1984	141,446 tablets
	1983	17,341 tablets

Arrests:

1987	15,000
1986	15,000
1985	11,313 (thru 6/85)
1984	27,309
1983	19,365

The above figures represent total arrests (i.e., foreign and Pakistani nationals).

Labs Destroyed:	1987	no estimate
	1986	no estimate
	1985	5 and 22 sv
	1984	3
	1983	14 sv

(sv = surrendered voluntarily)

Licit Production:	1987	none
	1986	none
	1985	none
	1984	none
	1983	none

Users:

Opium	1987	315,000
	1986	315,000
	1985	315,000
	1984	315,000
	1983	315,000
Heroin	1987	400,000
	1986	400,000
	1985	350,000
	1984	250,000
	1983	100,000
Cocaine	1987	none
	1986	none
	1985	none
	1984	none
	1983	none
Cannabis	1987	800,000
	1986	800,000
	1985	800,000
	1984	800,000
	1983	800,000

D. Status of U.S Assistance

See Appendix

E. Resource Estimates

USAID expects to obligate $8.8 million in FY 1986 for the Gadoon Project. As a result of this funding, the Government of Pakistan is obligated to extend its opium ban to the Gani Chatra and Kabgani Union Councils. An estimated 1,537 acres will be taken out of cultivation this growing season. While

USAID will not obligate any additional monies in Gadoon, the remaining Union Councils in Gadoon will fall within the purview of the enforcement ban. At that time, approximately 1,400 additional acres will no longer be sown with poppies.

USAID and other international donors have pledged $20 million to complete the Dir phase of the Special Development and Enforcement Plan (SDEP). Under the terms of the enforcement schedule which forms an integral part of the SDEP, the Pakistan Government in 1985-86 is not bound to extend the cultivation ban beyond the Adinzai Tehsil, an area which was subject to enforcement measures in the 1984-85 season. The funds pledged to date should generate sufficient development activity to justify extension of the opium poppy ban in Dir to the Timegara, Munda, Balambat, Samar Bagh and Lal Qila areas. It is difficult to assess the extent of cultivation in these areas; such cultivation is not as widespread as it is in eastern Dir (i.e., the sector in which the ban will be extended in 1988-89 through the SDEP).

It is difficult to determine the acreage of poppies which would be taken out of cultivation in 1986 and 1987 if additional funding was available. Nevertheless, authorities believe that if the projected funds were obligated, opium poppy cultivation could be effectively eliminated in Pakistan during the next five years. To accomplish this objective, $120 million over the course of five years ($24 million per year) would have to be earmarked to eliminate the country's known remaining poppy growing areas (i.e., Khyber, Kurram, Kohistan, Bajaur, Mohmand, Orakzai and the Black Mountains).

SYRIA

A.1. Status of Illicit Narcotics Production/Trafficking

Syria's association with narcotics includes trafficking, some refining activity, and only a modest domestic drug abuse problem. There is no evidence of significant narcotics cultivation in Syria.

There appear to be two major streams of narcotics traffic through Syria. First, and most important, is the flow of Southwest Asian heroin transiting Syria en route to Europe, Egypt, and the United States. Aleppo, in northern Syria, and the nearby port of Lattakia on the Mediterranean appear to be the focus of this traffic, and also sites for refining. Second, narcotics, primarily hashish, but including some heroin as well, are moved through the Bekaa Valley in Lebanon. Most of this traffic is also directed towards Europe (e.g., by truck to the Syrian ports of Tartous, Banias, or Lattakia for transhipment), but recent reports indicate that significant amounts also move south through Syria and Jordan to the wealthy Arabian peninsula countries or to Egypt. Both of these trafficking routes through Syria appear to be secondary to the overland routes for heroin through Turkey. The assumption is that trafficking in both heroin and hashish is increasing, but the Syrian Government has no estimate of total volume.

Kurdish and Armenian traffickers with transborder ties in Turkey and Iran appear to be linked to increased trafficking through Syria. The current unstable situation in Lebanon and the fact that the northern Bekaa Valley is controlled by Syrian military forces contribute to transborder trafficking in the region.

Cocaine trafficking through Syria is also on the rise. This trade, coming from Europe, appears to use Syria as a base for supplying markets in Lebanon and the Arabian peninsula.

The arrest at U.S. airports in the past several years of a number of individuals carrying heroin who had initiated their travel in Damascus suggest that the Damascus airport, as well as Syria's ports on the Mediterranean, are central transitting centers.

There are credible reports of ties between traffickers and high level Syrian officials, but no substantiation of alleged ties with terrorists. The links between traffickers and Syrian officials, especially in the military, are believed to be a function of the hashish trade out of Lebanon.

A.2. Accomplishments in 1985

Although the Syrian Government is uncertain as to the total volume of narcotics traffic through Syria, Syrian authorities surmise on the basis of a rising trend of seizures that narcotics trafficking through Syria is on the rise. It is unclear to what extent Syria is important as a base for processing or refining of heroin. Syria has been mentioned in a number of recent reports out of Europe and the Middle East as a destination for shipments of acetic anhydride, a chemical precursor for heroin. However, the Government of Syria has not seized any narcotics laboratories in several years.

A.3. Plans, Programs and Timetables

The Syrian Government narcotics control effort is poorly-financed, under-staffed, and poorly-trained. This is primarily because, with no major narcotics production and limited consumption in the country, narcotics officials are at a serious disadvantage in competing for the Government's scarce financial resources. Current Syrian budget plans call for reductions in a range of programs, including narcotics control programs.

Syrian anti-narcotics officials maintain contact and cooperate with the Arab League Anti-Narcotics Office, Interpol, and to some extent bilaterally with other countries (e.g., The Federal Republic of Germany).

A.4. Adequacy of Legal and Law Enforcement Measures

Penalties for involvement with narcotics are severe: Import, production, or export of narcotics is punishable by life imprisonment, forced labor and a fine of 30 - 100 thousand Syrian pounds ($8 - $25,000 at official exchange rates). Narcotics dealers, however, may receive shorter prison sentences. Possession is punishable by an unspecified term of imprisonment and a fine of 5 - 30,000 pounds. Deliberate killing of an anti-narcotics agent is punishable by death.

A.5. Drug Abuse in Syria

There has been little evidence of a significant drug abuse problem in Syria. This past year, however, a narcotics police official estimated the addict population of Aleppo, Syria's second largest city, numbers in the hundreds. Moreover, a Damascus official stated that "not more than one-third" of narcotics-related arrests in Syria were users as opposed to traffickers. Nevertheless, health care personnel deny there is a significant incidence of narcotics abuse in Damascus.

Authority in the family remains very strong, and most Syrians, including young men and women, express genuine aversion to the use of narcotics.

B.1. Narcotics Production in Syria

None.

C.1. Statistical Tables

The Syrian Government does not engage in data collection and analysis relative to its anti-narcotics effort. Current and future projections of narcotics trafficking, processing and consumption do not exist. In the past and in response to U.S. Embassy requests, the Government compiled statistics on narcotics-related arrests and seizures in Syria. The most recent of these compilations contained data through 1984. No comprehensive 1985 statistics are yet available, but arrests are reportedly up about twenty per cent from 1984.

	1982	1983	1984	1985
Cases:	259	343	no available data	
Number of persons arrested:	619	793	1,288	1,546
Syrian	564	738	no available data	
Foreign	55	55	no available data	
Seizures: (kilograms)				
hashish	5986	725	2 tons	
heroin	6.472	26.28	30 (opiates)	

PART D Status of USG Assistance

Congress suspended U.S. economic assistance to Syria in November 1983. The only exception to this suspension is continuation of funding for Syrian students already studying in the United States under USAID sponsorship. Syria does continue to receive limited development assistance from the World Bank.

If the U.S. Government wishes to pursue cooperatión with Syria in the field of narcotics interdiction, the U.S. Embassy recommends funding be provided for training of Syrian anti-narcotics program officers. Syria lacks the resources to provide such training. One Syrian official will participate in the Executive Observation Program (EOP) in 1986. It is recommended that additional training be offered in FY 1987.

TURKEY

A.1. Status of Illicit Narcotics Production/Trafficking

Production

There is no significant production of illicit narcotic or psychotropic substances in Turkey. All available evidence indicates that the tight controls on poppy cultivation and the ban on opium gum production instituted in late 1974 continue to work well. Effective enforcement efforts to confine production to legitimate channels are expected to continue.

Refining

There is some conversion of morphine base, and perhaps even opium gum, into heroin in Turkey. The morphine base and opium gum generally come from Pakistan, Iran and Afghanistan. Crude, portable laboratories capable of converting morphine base have been seized in eastern Turkey, particularly in the areas around Gaziantep and Diyarbakir. No estimates are available on the amount of conversion involved or the number of laboratories operating. There is no illicit production of precursor chemicals, but there is illicit trade in acetic anhydride needed for refining morphine base, largely from West Germany. Turkey has urged tighter controls on exports of these chemicals.

Transshipment of Illicit Drugs

Turkey's location astride two continents and on the direct land route between producing areas in Iran, Pakistan, and Afganistan and the consumers in Western Europe and the U.S. make it a natural transit country for illicit narcotics trafficking. There is no precise data on the volume of narcotics moving illegally through Turkey, although DEA has reports that 4 tons of heroin/morphine may transit annually; the UN Fund for Drug Abuse Control (UNFDAC) estimates that it may amount to as much as three tons of heroin or heroin equivalent.

Most of the narcotics trafficking in Turkey is controlled by established criminal elements. In 1985 the anti-smuggling division (which includes the narcotics police) of the Turkish National Police launched a major investigation into the involvement of organized crime in narcotics trafficking. Several criminal chieftains ("babalar") have been charged and further arrests are expected. This investigation and its results are unprecedented in recent Turkish history.

Illicit drugs enter Turkey from the east, generally from Iran, and move either directly west or to the south to Syria and Turkey's Mediterranean coast. The most common route from Turkey is overland through eastern Europe, although there are indications that traffickers are increasingly shifting to sea routes via Syria, Lebanon, and southern Turkey, and then by sea to Italy and other western Europe countries and the United States.

The Turkish Government believes that many of those engaged in illicit naroctics trafficking have also supplied weapons to the terrorists who plagued Turkey in the late 1970's and early 1980's. There is an increasing body of evidence supporting Turkish allegations of a terrorism-narcotics connection.

Cannabis is grown in several areas of Turkey, the most important of which are Kutahya, Usak, and Adiyaman provinces. Cultivation is primarily for the production of hemp. Turkish hashish has an extremely low THC content and generally does not enter into international traffic.

A.2. Accomplishments in 1985

Even though it is neither a major producer of illict narcotics nor does it yet have a serious domestic drug abuse problem, Turkey seeks to meet its international committments to police vigorously its licit opium production and to stem the flow of illict narcotics, destined primarily for Western Europe and the U.S. In 1985, the TNP launched a major investigation into the involvement of organized crime in drug and arms smuggling. While the final results are not yet in, some arrests have been made and more are expected. This investigation has the potential to have a major impact on drug trafficking in Turkey. It also continued to cooperate with other governments on interdiction. The Turkish press reported in December that Turkish, Dutch and West German law enforcement authorites broke up a major narcotics trafficking ring which led to the arrest of 24 persons in Turkey.

All available evidence indicates that the Turkish Government's effective controls of its licit poppy cultivation (about 10,000 hectares in 1985) have successfully eliminated illicit opium production. Each poppy plot is licensed by the Government, incision of the poppies is forbidden (thereby eliminating opium gum production), and the poppy capsules must be sold to the Turkish Government. The capsules are then processed in a government-owned factory (Bolvadin) into morphine sulfate (concentrated poppy straw), which is in turn used in the production of medicines. Poppies grown for the straw method of extraction are left to mature until dry in the fields, rendering them useless for alkaloid extraction without complex industrial machinery and processes. At the same time, the ban on incision makes it relatively easy for enforcement authorities to spot poppies from which illegal opium may have been extracted. Turkey plans to continue its licensing system for licit poppy production and its active law enforcement efforts against traffickers.

A.3. Plan, Programs and Timetables

The Government of Turkey is interested in assistance for a project which would focus on trafficking in Turkey's eastern border region where most of the illegal drugs enter Turkey. The United States is working with the Government on a detailed plan to further strenghten its interdiction capabilities in the region.

In 1985 a photo laboratory, supplied with U.S. funded equipment, was opened. Four undercover vans and related intelligence gathering equipment were provided as well as transporation and communications equipment and night vision devices.

A.4. Adequacy of Legal and Law Enforcement Measures

In general, Turkish narcotics enforcment agencies are highly motivated, but still need improved equipment and training to reach maximum effectiveness. The four principal GOT agencies involved in narcotics enforcement activities are: The Turkish National Police (TNP), the Jandarma, the Customs, and the Soils Products office (TMO).

The TNP, the principal narcotics enforcement agency, was widely politicized before the military intervention in September 1980 and heavily involved in combatting terrorism before and since that time. Since September 1980, the TNP has become a more professional police organization. The TNP is also devoting a significantly higher percentage of its resources to narcotics enforcment. Its leadership is highly motivated and is committed to making the TNP an effective narcotics enforcement agency. The TNP now has narcotics units in all of Turkey's 67 provinces. By 1986, it plans to expand its narcotics personnel to a total of 1,330 police officers, nearly 25 percent above its present strength. The narcotics enforcement division is working intensively to improve training and to better equip its narcotic units. As a result of this internal effort and U.S assistance, the TNP should progressively improve its effectiveness through 1986.

The Jandarma polices the countryside and remote border areas where illicit narcotics enter Turkey. The Jandarma is essentially a military organization manned by conscripts, who serve for only eighteen months. Under these circumstances, it is unlikley that it will reach the level of effectiveness of the TNP's professional narcotic enforcment cadres. The Jandarma has, however, embarked on a program to expand the number of personnel who deal with narcotics and is upgrading its equipment and training.

The Soil Products Office (TMO) is in charge of all aspects of licit poppy production, sales, processing, distribution. This includes the Bolvadin morphine alkaloids factory. TMO issues the licenses required for poppy fields to ensure compliance with GOT regulations, including the ban on incising. For enforcement, TMO is assisted by the TNP and the Jandarma. The Jandarma air wing uses aerial surveillance and photography in search for illicit poppy fields.

Turkish Customs has not been in the forefront in narcotics enforcement, but a new Director General was appointed in 1985 who wants to improve enforcement capabilities. The United States has provided narcotics enforcement training to Turkish Custom officials and is currently funding English language training.

Other agencies of the Turkish Government also cooperate in interdiction. For instance, the Coast Guard seized four tons of hashish oil in 1985.

The Ministry of Foreign Affairs (MFA) has a significant role in narcotics control through its responsibility for multilateral narcotics enforcement efforts and for cooperation between Turkey and other governments in narcotics enforcement. Turkey is active in the UN's Sub-commission on Drug Traffic in the mid-East and South Asia which promotes cooperation in narcotics control with Pakistan and Iran. The MFA also chairs a coordinating committee consisting of representatives of the Turkish enforcement agencies.

There have been widespread reports of low-level corruption in several government agencies, including the police and customs. However, corruption does not play a signficant role in narcotics trafficking, with the possible exception of Turkish Customs.

Training provided by the United States has been an important factor in improving Turkish enforcement efforts. In the case of the TNP, key people have been trained and, in turn, have inspired the creation of an internal narcotics training program, which is now well developed and should expand even further. For the Jandarma and the Customs, U.S. training is virtually the only narcotics-specific training that officials in those two organizations receive.

A.5. Domestic Drug Abuse Program

The official view in Turkey is that domestic narcotics abuse is not a serious problem, and abusers of all narcotics may total less than a thousand nationwide. Strong family, religious and societal constraints inhibit the use of illicit narcotics, even among the youth. While reliable statistics are not available, it is probably true that the number of addicts relative to the size and population of the country is not large. Nevertheless, these same factors, and the penalties that may be imposed on narcotics abusers, may also operate to keep narcotics addiction hidden, and to discourage addicts from coming forward for treatment. Domestic press reports from Turkey have indicated some increase in narcotics use, and the fact that the government has conducted education campaigns against narcotics in the schools shows a serious level of concern. Whether or not Turkey chooses to dicuss its narcotics addiction problems in public, it is encouraging to note this concern, and that narcotics education is being provided to Turkish youth. Prime Minister Ozal's wife Semra took part in the second First Ladies Conference on Drug Abuse hosted by Mrs. Reagan in October.

B.1. Nature of Illicit Drug Production Problem

Turkey, once a major world source country for illicit opium and morphine base, has virtually eliminated illict opium production. Some refining of opium gum and morphine base is still carried out -- almost always in crude, transportable laboratories. There is no estimate of the amount of refining that occurs in Turkey, but several illicit laboratories have been seized. Historically, Turkish morphine base was refined in western European laboratories -- e.g. through "the French Connection" in Marseilles. Virtually none of the illicit narcotics refined in Turkey are consumed in the country.

Eastern Turkey, where most of the illicit drugs enter and where most refining occurs, is the most underdeveloped region in Turkey, itself a developing country. The terrain is extremely rugged and difficult to police. In some areas, tribal or clan influences are stronger than national ties. At times, widespread terrorism affects the government's ability to enforce the law in this region. Nonetheless, there were indications in late 1985 that narcotics were being stockpiled on the Iranian side of the border due to tightened security by the Turkish authorities. Perhaps reflecting the impact of enforcement on the trade, the price of heroin in Turkey increased significantly.

GOT enforcement agencies continue tò make intensive efforts to locate and seize the crude laboratories operating in the country, and there is some suggestion that, over time, those engaged in refining -- morphine base will shift their activities to more hospitable territory.

C.1. Statistical Tables (1)

	1987	1986	1985	1984	1983
Cultivation					
Cannabis	-----------unknown-------------				
Hectarage					
Cannabis	-----------unknown-------------				
Refining					
Heroin	-----------unknown-------------				
Heroin base	-----------unknown-------------				
Hectares Eradicated					
Opium	6	7	4.9	9.3	7.7
Cannabis	25	30	23.7	24.1	33
Arrests					
Nationals	2,000	2,000	1,081	2,304	289
Foreigners	40	40	50	51	44
Seizures (2)					
Opium	10kg	10kg	1.4kg	0	20kg
Heroin	100kg	100kg	89.5kg	245kg	296kg
Other Opiates	1-200kg	1-200kg	101.5kg	74kg	146kg
Other Cannabis	1-5MT	1-5MT	6,102kg	1,656kg	2,400kg
Labs Destroyed					
Heroin	1-5	15	4	2	2
Licit Production					
Opium Poppy (HA)	8,000	8,000	10,500	12,600	7,220
Poppy Capsules (MT)	7,500	4,500	6,000(2)	8,110	3,724

Footnotes:
(1) Figures are for January-November, 1985
(2) Figures are TNP actions only.

D. Status of U.S. Government Assistance

See Appendix.

E. Resource Estimates

In FY 1986, INM has budgeted $850,000 to provide equipment and operational support to the Turkish National Police and the Jandarma. With $1.0 million requested for FY 1987, the Turkish government can devote sufficient resources to the interdiction of illicit drugs entering through the Eastern border with Iran and locate and seize clandestine labs.

EGYPT

A.1 Status of Illicit Narcotics Production and Trafficking

Although Egypt is neither a major producing nor a major trafficking country, it is becoming increasingly significant as a consuming country and a transit point for illegal narcotics shipments. The Government of Egypt is committed to curbing narcotics abuse and trafficking. Small plots of opium are cultivated for domestic consumption. In October 1985 President Hosni Mubarak launched a national campaign against drug abuse, focusing on the growing problem of domestic heroin addiction. The active publicity campaign stemming from this initiative has been paralleled by increased enforcement efforts, with substantially improved results. For example, during the first ten months of 1985, heroin seizures topped 120 kilograms, compared to 24 kilograms in all of 1984, nine kilograms in 1983 and just one kilogram in 1982.

In recent years, traffickers have used Egypt increasingly as a transit country, especially for opium produced in Southwest Asia and Southeast Asia. Egypt's central location between Asian producing areas and European and African markets has made it an attractive stop-off point for traffickers. Within the past decade, Cairo International Airport has become an important transit point, as well as the principal point of entry for drugs into Egypt. The Suez Canal is also a transit route for narcotics shipped by sea. While there has been no evidence of narcotics entering the United States directly from Egypt, it is possible that drugs which transit Egypt enter the United States from Europe or Africa.

Drug smuggling into Egypt has involved a variety of routes and methods. Of concern in recent months has been the upsurge of heroin imports, largely arriving on flights from India. A pattern of transit from India through Cairo to Nigeria seems to be emerging, with Sri Lanka passport-holders often acting as couriers. However, much of the heroin seized by authorities seems to be for local consumption.

The government is also concerned by continuing high levels of opium imports, primarily on flights from Pakistan. Multi-ton quantities of hashish continue to arrive from Pakistan and Lebanon, usually by ship. It is estimated that Egypt may consume as much as half of the yearly Lebanese hashish crop. With surplus production in Lebanon, there is evidence that imports are on the rise.

Some drugs -- primarily hashish -- are still smuggled into Egypt by sea, either entering at ports or occasionally landing on beaches. But, stringent security measures have prevented sea routes from recovering their pre-1967 significance. Small numbers of smugglers have succeeded in reviving traditional land routes, driving "trapped" vehicles from Syria, Lebanon or Jordan to Saudi Arabia , where they are re-registered and ferried across the Red Sea to Suez City. Bedouin traffickers are also known to operate across borders in the Sinai.

The quantity of narcotics of all types smuggled into Egypt is on the increase. In addition to the sharp rise in heroin imports indicated by the statistics noted above, imports of opium in 1985 are estimated at 11 metric tons, while imports of hashish stand at about 340 tons. Prices have remained stable over the past year. Heroin sells on the streets for $90-$125 a gram. Imported opium, largely from India and Pakistan, costs between $6,000 and $12,000 a kilo, with higher prices for smaller quantities. Domestic opium is cheaper, estimated to cost between $3,500 and $4,500 a kilo. Lebanese hashish sells for $1,250 to $2,500 a kilo for bulk quantities, and up to $5,000 a kilo for smaller amounts. A tiny cube of hashish for a single smoke sells for as little as one Egyptian pound ($.75).

Opium and hashish are traditionally produced crops in Egypt, despite having been illegal for decades. When the traditional land route for opium smuggling from Turkey into Egypt closed in 1948, opium cultivation -- banned in 1926 -- revived in upper Egypt, particularly in the Assyut and Minya districts. Opium poppies are also grown in other parts of upper Egypt, as well as in the Nile delta provinces of Gharhia, Sharkia, and Beheira. The poppy plants are interspersed among fields of licit crops, making detection difficult. Government officials have estimated as many as 15,000 plants an acre, with each acre yielding 10 kilograms of opium. Eradication, which has been steadily increasing, reached 100 hectares in 1985. Net opium production was estimated at 2.5 metric tons.

Hashish continues to be grown in upper Egypt, both for local consumption and for sale in major cities. Levels of hashish production remain low (one ton or less) because farmers can realize ten times the profit from an acre of opium, while penalties for cultivating any illicit drug are the same. Moreover, Egyptians prefer the better quality but higher priced Lebanese varieties of hashish.

No known refining of narcotics takes place in Egypt. Opium gum is extracted from flower pods and is either smoked or consumed in tea. While heroin is not produced, increasing levels of domestic consumption suggest that local refining could begin in the near future, as has been the pattern in other opium-producing countries.

International assistance to Egypt's anti-narcotics efforts has been provided by the United Nations Fund for Drug Abuse Control (UNFDAC), which between 1981 and 1984 provided $1 million for computers and communications equipment. UNFDAC maintains an office and a representative in Cairo.

A.2 Accomplishments in 1985

1985 has been a benchmark year for Egyptian anti-narcotics efforts. The year has been marked by a major Egyptian government campaign against drug -- most notably heroin -- addiction. Drug abuse, which in its milder traditional forms had garnered little attention here in the past, is now a continuing subject of national focus. President Mubarak launched the campaign in a major speech in mid-October, in which he drew special attention to the growing problem of heroin. Following his lead, the theme has been echoed by other officials from the Prime Minister down, and has been the subject of daily reporting and editorial coverage in the national press. Radio and television have also broadcast reports on the seriousness of the problem.

The anti-narcotics campaign has focused on the need for public awareness of the dangers of illegal drugs, particularly heroin. In addition to feature articles in magazines and newspapers, coverage has included international aspects of the problem. The national press, for example, gave substantial coverage to the First Ladies' Conference on Drug Abuse at the United Nations. The planned opening of a new drug rehabilitation center in Alexandria -- the first institution of its kind in Egypt -- also received wide publicity. In the marketplaces of Cairo, posters have appeared featuring a skull and crossbones, with a warning against the dangers of drug abuse.

Media coverage has highlighted not only the destructive effects of narcotics on the nation's youth and other social problems brought on by drug abuse, but also the broader damage to the national economy caused by the export of capital for narcotic purchases. While official figures are not available, unofficial estimates suggest that the cost to Egypt of illicit narcotics imports now runs to billions of dollars annually. Recognizing this problem, the government-supported daily, "Al Akhbar," recently editorialized that drug use could deal a fatal blow to the development process.

In addition to the national awareness campaign, Egyptian authorities -- principally the Anti-Narcotics General Administration -- have made important strides in enforcement in 1985. As noted above, heroin seizures topped 120 kilograms in the first ten months of 1985, more than six times as much as in all of the previous year. There were multiple seizures, usually ranging from 1-5 kilograms, most taking place at Cairo Airport. Total seizures of other narcotics were also up, as were the quantities in individual cases.

The first five months of 1985 saw the seizure of 103 grams of cocaine. The significance of this lies not in the small amount seized, but in the indication that limited quantities of cocaine may for the first time be finding their way to Egypt. There have been press reports that cocaine use is becoming popular among Egypt's large community of movie actors and actresses.

A.3 Plans, Programs, and Timetables

Specific targets, goals, and timetables have not been set, but the government's new thrust indicates a start of a continuing campaign on a variety of fronts. The sharp rise in seizures in 1985 indicates the authorities may be increasingly effective in combatting trafficking. The government is placing increasing stress on enforcement and training of officers responsible for enforcement. New programs are being planned.

The national campaign against narcotics will continue in 1986. Considerably more time will be needed to assess the campaign's impact on trafficking and abuse. In addition to the media and public education drive, the government's new emphasis on drugs includes attention to rehabilitation, with efforts coordinated by the Ministry of Health. Lawmakers and Interior Ministry officials are scrutinizing the legal framework for enforcement, and some changes are expected.

A.4 Adequacy of Legal and Law Enforcement Measures

The Anti-Narcotics General Administration (ANGA) of the Ministry of Interior, founded in 1919, is the oldest police narcotics unit in the world. ANGA is the lead agency for all narcotics suppression activity in Egypt. It investigates internal drug trafficking cases, coordinates hashish and opium eradication efforts, and normally represents the government at international narcotics conferences.

ANGA coordinates with other government agencies with narcotics control related functions. The agencies are:

-- Public Security Forces (Interior Ministry), 40,000 strong, responsible for provision of essential security to local police and ANGA officers during the conduct of annual hashish and opium eradication campaigns;

-- Customs (Finance Ministry), responsible for interdiction of smuggling at ports, airports, and border crossings;

-- Port Security Forces (Interior Ministry), responsible for physical security and security investigations at Egyptian ports (both sea and air);

-- Marine Police (Interior Ministry), responsible for security along inland waterways;

-- Frontier Border Guards (Defense Ministry), responsible for security at borders other than ports and border crossings.

Egyptian narcotics law imposes severe penalties on offenders, including provision for capital punishment. Sentences are often harsh. Traffickers in large quantities of narcotics are normally sentenced to life imprisonment, serving a minimum of 20 years before parole. While the death penalty has seldom been invoked in the past, there are strong indications that its use may be revived for drug dealers.

In 1980, the Ministry of Justice designated selected prosecutors to handle narcotics cases, resulting in an increase in conviction rates. In recent years, laws have been enacted that provide for: (A) seizure of financial assets gathered from narcotics trafficking and smuggling; and (B) forfeiture of conveyances used to facilitate drug transactions. In 1984, the People's Assembly (Parliament) voted down a bill that provided for forfeiture of land used for narcotics cultivation. During 1986 a new bill may be offered with two alternatives: (A) seizure of lands; or (B) seizure of lands for a limited period, thus allowing the land eventually to be returned. Legislation is also being prepared for the formation of a higher national committee to combat drugs. Meanwhile, on November 9 Prime Minister Ali Lofty announced that the Egyptian Emergency Law will be applied to drug smugglers and dealers. The provisions of this law give the police greater power to detain and hold suspects.

In recent years, small numbers of ANGA officers have attended training courses at the DEA International Training Academy in Glynco, Georgia. ANGA officers also received training from the FBI at its Quantico training center. Within Egypt, ANGA conducts in-service training for its officers, and teaches narcotics-related courses to cadets at the police academy basic training school. ANGA periodically holds four-week training courses for newly appointed narcotics officers, as well as one-week seminars for senior police commanders. ANGA's training academy is modelled after DEA's Glynco institute; the courses are based largely on DEA course outlines tailored to local needs.

In April 1986, the U.S. Customs Service will sponsor an anti-narcotics course in Cairo for approximately 30 Egyptian customs inspectors. The November advance visit to prepare for this course was enthusiastically received by the Government of Egypt.

Ongoing U.S. assistance programs to Egyptian narcotics control efforts include the delivery in January 1986, of five vehicles provided by INM for narcotics suppression activities. In July, 16 Egyptian police officials attended an explosive incident investigative techniques school conducted by the U.S. Bureau of Alcohol, Tobacco, and Firearms at the Federal Law Enforcement Training Center in Glynco, Georgia. This training has direct application to suppression of both terrorism and narcotics abuse.

A.5 Domestic Drug Abuse Problem

Drug abuse is a centuries-old problem in Egypt, and abuse has continued to grow in recent years despite the efforts of the Egyptian government. Although hashish and opium are the primary drugs abused, there is a continuing problem with amphetamines, methaqualone, and -- since the beginning of this decade -- heroin. Cocaine and hallucinogens are rarely found and pose no significant threat in Egypt at the present time, but authorities are concerned that cocaine is now on the scene and want to make sure this trade remains limited. Illustrating the magnitude of the problem in Egypt, in 1984 the wholesale value of illegal drugs consumed was estimated at $1.2 billion, with a street value three times as high.

The use of hashish is both traditional and endemic in Egypt. With over 1,000,000 users, it is overwhelmingly the drug of choice. Although its use is prohibited by both Egyptian and Islamic law, it remains as a part of life in both rural villages and urban centers. Almost half a million people are estimated to be using opium, which is believed to have been cultivated in Egypt since Pharonic times. It is usually ingested in hot tea. Amphetamines and methaqualone (used as an opium substitute) were introduced from Europe in recent years. Although there are no reliable statistics on heroin addiction, dramatic increases in imports to Egypt in recent months suggest that this is a rapidly growing problem.

Accurate figures on narcotics addicts in Egypt are not available. In 1985 Egyptian authorities began to keep hospital records for the first time on admission of heroin addicts; but most addicts are not hospitalized. The first government supported drug rehabilitation center opened in Alexandria in October. Prior to this, only five small treatment centers operated in the Cairo area -- all of them affiliated with mosques. A few private clinics offer treatment for addicts, but facilities are extremely limited.

PART B: not included because Egypt is not a major producer country.

C.1 Statistical Tables

	1987	1986	1985	1984	1983
Gross Cultivation (mt)					
Opium	3	2.5	2.5	1.5	3
Cannabis	1	1	1	1	1
Hectares Eradicated					
Opium	115	105	100	85	85
Cannabis	1	1	1	1	1
Crops Eradicated (mt)					
Opium	0.9	0.7	0.5	0.1	0.85
Cannabis	0.001	0.001	0.001	0.001	0.001
Net Cultivation (mt)					
Opium	2.1	1.8	2	0.8	2.15
Cannabis	1	1	1	1	1
Seizures (mt)					
Opium	0.7	0.6	0.5	0.37	0.33
Heroin	0.3	0.2	0.12	0.024	0.009
Cannabis	67	65	60	57	47
Arrests	12,000	12,000	9,000	8,500	7,966
Domestic Consumption (mt)					
Opium	10	10	13	13	14
Heroin	0.7	0.6	0.5	0.1	0.4
Hashish			300		

Users					
Opium	500,000	500,000	500,000	500,000	500,000
Heroin	unknown	unknown	unknown	unknown	unknown
Hashish	1 mill.	1 mill.	1 mill.	1 mill.	1 mill.

PART D Status of U. S. Government Assistance

See Appendix

PART E: Resource Estimates

In view of the government's increased emphasis on prevention of narcotics abuse, it is projected that there will be an enhanced effectiveness in enforcement measures, even without increased outside resources. The government's major problem areas are importation and abuse -- not production --and the government will probably focus its efforts accordingly.

In terms of crop eradication, increased government attention to the yearly opium eradication drive could bring production down from about 2.5 metric tons to 2 metric tons in 1985, to be further reduced to about 1.8 metric tons in 1986 and 1987. Additional foreign assistance to eradication efforts might increase the reduction by 10. In view of the widely dispersed nature of the Egyptian poppy crop and its interspersion with licit crops, together with its relatively small overall size, additional foreign assistance in this area would probably not be cost effective. U.S programs have therefore concentrated on problems of trafficking and smuggling, where contributions under INM and DEA programs have a substantially more significant impact.

MOROCCO

A.1. Status of Illicit Narcotics Production and Trafficking

Narcotics activity in Morocco is limited to cannabis cultivation, processing and distribution, including overseas trafficking. There are occasional incidents involving small amounts of illicit drugs, primarily heroin or cocaine. DEA reports that some opium poppy cultivation may have begun in 1985, but estimates are unavailable at this time.

Marijuana is grown in the 1,000 square miles of the Rif Mountains in northern Morocco, along the Mediterranean coast. Cultivation is concentrated in the fertile western Rif, between the towns of Chechaquen and Ketama. Although no reliable statistics are available, five to seven thousand hectares are thought to be cultivated in any given year. Each hectare produces 800 to 1,200 kilos of raw marijuana. Cannabis is grown in plots of from a few meters square up to two kilometers.

Processing of raw marijuana into dried baled marijuana (known as "Rif") is generally done by the grower. Police report that further processing, into either hashish or hash oil, is done on a small scale by local middlemen. The exact proportion of dried marijuana converted is unknown, but estimates run in the 30 percent range. Little or no marijuana is exported for further refining.

Moroccan police report that the price for marijuana in Morocco is about DH (Moroccan dirhams) 1,200, now roughly $120, per kilos. Other sources indicate prices as high as DH 3,000 ($300) per kilo. Hashish costs from DH 2 - 6,000 ($.20 - 600), per kilo, depending on the quality of the product. Hash oil prices are about DH 10,000 ($1,000) per liter.

Rif is a traditional Moroccan narcotic, only made illegal after independence in 1956. About two-thirds of production, 600 to 650 tons, is consumed in country. The pattern of consumption is partly traditional. Rif area inhabitants of all ages are major consumers. The urban young are also a significant consumer group, and it is among the youth that abuse may spread. About 15-20 tons of the hashish and hash oil produced is consumed locally. The pattern of consumption is much the same as for marijuana. Internal distribution appears to be through casual and relatively small scale networks. Domestic consumption seems to have been fairly stable over the last five years.

The balance of the marijuana (perhaps 400 MT), hashish (50-60 MT) and hash oil (20-25 MT) is exported, some to other north African states and North America, but most to West Europe, primarily Spain, France, Germany, Belgium and the Netherlands. The large number of Moroccan workers in Europe provide a natural distribution system. Sale of cannabis for export generally takes place in the Rif area, which is frequented by European tourists. The Spanish enclaves of Ceuta and Melilla offer easy access to Europe for traffickers, who use private vehicles, boats and aircraft for transport.

There is no indication that terrorism, insurgent activity, or other criminal activity is tied to narcotics trafficking in Morocco. The pattern of arrest and seizures indicates that smuggling is on a small scale, and that trafficking organizations do not play a great part in the traffic.

A.2. Accomplishments in 1984

Control of illicit narcotics focuses on interception during export (or import). There is little internal effort to control cultivation or discourage abuse. Narcotics control officers indicate that foreign demand is the source of the problem, and that Morocco will continue to work to stop exports. The overall level of effort does not appear to have changed. Arrests in 1984 numbered 10,229 compared to 9,843 in 1983. Seizures of cannabis products decreased in 1983 from 47.5 tons to 35.4 tons in 1984; 1985 figures are as yet uncertain, but are not expected to show a significant increase. The total number of narcotics cases, however, jumped to 12,000 from 3,000 a year earlier. Together these statistics may indicate increasing action against small scale traffickers or abusers.

A.3. Plans, Programs and Timetables

The GOM has no plans for the elimination of cannabis cultivation. Officials talk of economic development in Morocco and demand reduction in consumer nations as eventual means of reducing narcotics cultivation. At present the national police (Surete National) is conducting its first study in three years to determine the extent and nature of marijuana cultivation and abuse.

A.4. Adequacy of Legal and Law Enforcement Measures

The legal framework for narcotics control in Morocco did not change in 1985. Violations are consolidated in a single trafficking offense, with maximum penalties of ten years in prison and a DH 100,000 ($10,000) fine. Internal trafficking and consumption are generally not heavily punished except in cases involving the major illicit substances. Export, particularly of large amounts, can be severely punished.

The following Moroccan agencies are involved in narcotics work: A) Surete National: This national police force has primary responsibility for narcotics control and liaison with non-Moroccan anti-narcotics groups, including Interpol. B) Gendarmerie Royale: This is a paramilitary force responsible for security outside urban areas, including eradication efforts. The Gendarmerie is also responsible for control of the flow of contraband within the country. C) Customs is responsible for controlling import and export of illegal goods at the ports of entry. D) The Regie des Tabacs (state tobacco administration): Though having no enforcement responsibility, levies small fines in cases involving hashish. Narcotics control is not a priority activity for any of the above agencies, nor is this attitude likely to change. Cooperation among agencies is minimal.

Corruption is a significant problem in northern Morocco, and contributes to international trafficking. However, as the traffickers do not appear to be institutionalized, corruption is probably not either.

The only third country with narcotics control personnel in Morocco is the Federal Republic of Germany. In late summer 1985, an FRG police officer with prior international experience was appointed to the embassy in Rabat.

Local anti-narcotics training is limited to basic courses at the police and customs schools. The U.S. and the U.N. have in the past provided more sophisticated training. European countries, Arab organizations and Interpol provide intermittent advanced training.

A.5. Domestic Drug Abuse

Cannabis use is widespread, though some among the young urban elite do abuse drugs such as cocaine or heroin. Domestic consumption accounts for about half of all cannabis cultivation. However, there are no reliable statistics on abuse. The Ministry of Social Affairs is planning a study but has estimated 750,000 drug abusers in Morocco. Most are members of Berber tribes or rural laborers who are traditional consumers in Morocco. The balance of abusers are from the young urban population.

The Ministry of Social Affairs is responsible for preventive measures and has held seminars for medical and social workers but has not undertaken any large anti-abuse programs. The Ministry of Health is responsible for treatment and rehabilitation. Efforts in all areas have a low priority and receive little support.

B.1. Nature of Illicit Drug Production

Cannabis is the only narcotic produced in Morocco. It is a traditional crop in the Rif Mountains, legalized during the French Protectorate and criminalized after independence (1956). Perhaps 6,000 hectares are cropped annually, producing roughly 6,000 tons of green marijuana. Half goes to production of dried baled marijuana and half is further refined into hasnish and hash oil.

B.2. Factors Affecting Production

Political, geographic, economic and social factors work against a reduction of the cannabis crop. The Rif area Berber tribes have a long tradition of independence, and an eradication program would provoke tensions in an area where the central government's control is relatively weak. The geography and climate of the Rif make cultivation of all crops difficult and only the most profitable are produced. Also, because of the Rif's sea access to Europe, the local economy has long been based on smuggling of contraband goods, including narcotics. As remittances from workers in Europe decline, a further stimulus is given to drug cultivation.

Though narcotics use is forbidden by both civil and Islamic law, few Moroccans see abuse as a problem. Rather, it is regarded as a traditional feature of the society. The press covers narcotics on a case by case basis and has followed with particular interest cases involving narcotics or export of cannabis.

B.3. Maximum Achievable Reductions

There are no ongoing or planned reduction programs for cannabis cultivation or abuse. The Interpol Office of Surete National reported only four hectares of crop destroyed in 1981, three in 1982 and none in 1983. There is no known planned timetable to reduce cannabis production in 1986.

B.4. Methodology for Estimates

Not applicable.

C.1. Statistical Tables

A. SUMMARY TABLES:

cannabis	1985 (est)	1986 (est)
Hectares cultivated	6,000	6,000
Hectares eradicated	0-5	0-5
Hectares harvested	6,000	6,000
Cannabis yield (green)	6-7,000 MT	6-7,000 MT
Loss factor	300-350 MT	300-350 MT
Cannabis seized	300-350 MT	300-350 MT
Converted to hashish	2,000 MT	2,000 MT
Hashish yield	40 MT	40 MT
Hashish consumed in country	15-20 MT	15-20 MT
Hashish exported - U.S.	less than 1.5 MT	less than 1.5 MT
Hashish exported elsewhere	20-25 MT	20 - 25 MT
Marijuana consumed in country	600-650 MT (dried)	600-650 mt (dried)
Marijuana exported - U.S.	0	0
Marijuana exported elsewhere	350-400 MT (dried)	350-400 MT (dried)

B. DATA TABLES:

Cannabis	1985 (est)	1984	1983
gross cultivation	6,000 H	6,000 H	6,000 H
gross potential production (green)	6,000 MT	6,000 MT	6,000 MT
hectares eradicated	0-5 H	12 H	0
crops eradicated	0-5 MT	12 MT	0
hectares out	0	0	0
crops out	0	0	0
net cultivation	6,000 H	6,000 H	6,000 H
net production (green)	6,000 MT	6,000 MT	6,000 MT
refining: hashish and Hash oil	40 MT	40 MT	40 MT
Seizures: marijuana	30-45 MT	30.1 MT	42 MT
Other cannabis	4-6 MT	4.4 MT	5.6 MT
Other drugs	unknown	5.6 KG	10 grs
Arrests: nationals	10,000	10,035	9,583
Foreigners	250	194	260
Domestic consumption:			
Marijuana	600 MT	600 MT	600 MT
Other cannabis	15-20 MT	15-20 MT	15-20 MT
Other drugs	unknown	unknown	unknown

Users: marijuana	600,000	600,000	600,000
Other cannabis	200,000	200,000	200,000
Other drugs	3,000	3,000	3,000

D. Status of U.S. Government Assistance

See Appendix

E. Resource Estimate

Embassy has requested a small program (under $10,000) to permit a limited amount of training and exchange as a means of establishing better relations with Moroccan narcotics personnel. We do not expect this to have a noticeable impact on Moroccan anti-narcotics efforts. Given Moroccan social and economic conditions, we do not believe that establishing an INM program of any size here would lead to significant reductions in narcotics activity.

OTHER COUNTRIES IN AFRICA

Cannabis grows wild throughout Sub-Saharan Africa, and is cultivated in many African countries. Most of this cultivated cannabis appears to be consumed in Africa, but there are substantial exports to Europe and minor exports to the United States. The drought that has diminished recent agricultural production in many African countries has also taken its toll on the cultivation of cannabis.

The role of African countries in drug trafficking has enlarged, particularly in serving as transit points for Southwest Asian heroin and opium. In addition, there has been substantial trafficking of methaqualone (known as Mandrax) from Europe and India to Africa, the major market being South Africa.

Drug usage is increasing in most of the northern African countries and tough new laws have been proposed or enacted in recent years. Traditional Moslem attitudes toward the use of hashish and opiates ameliorate illicit drug usage. Cannabis is the substance most abused in Africa, although there is abuse of amphetamines, methaqualone, and barbiturates. There has also been reports that cocaine is finding its way into some African countries.

The following offers a perspective on a few African countries:

KENYA

Kenya is the only country in eastern Africa considered to be a significant producer of marijuana. Kenyan officials are working on an estimation methodology for use in 1986. Officials destroyed about six tons in 1984. Half of the production is consumed domestically. The largest share of the export crop goes to European markets, primarily the United Kingdom. There is no evidence of opium poppy cultivation or heroin production in Kenya. However, Kenyan officials say the country is being used increasingly for the transhipment of heroin and cocaine to Southern Africa and Europe.

Because of the importance of Mombasa as eastern Africa's major maritime port, Kenya is believed to be a major focal point for drug smuggling operations. Mombasa is the first port of call for many ships embarking from Southwest Asia. Most of the cargo reaching the port is containerized and less than one percent is inspected because of the volume and limited customs capabilities.

INM and DEA will sponsor an East African training program in 1986, to be held in Kenya.

NIGERIA

Nigeria is not a major producer of illicit drugs. However, its role as a transit country expanded in 1984 with the increased involvement of Nigerian traffickers in heroin smuggling from Southwest Asia through Nigeria to the United States and Europe. Now, Nigerians are involved both in the organization of the trade and in the transport and sale of narcotics in Europe and the United States. By 1985, authorities were estimating that two-thirds or more of illicit narcotics transiting Africa were shipped through Nigeria. Nigerian heroin smugglers are supplied almost exclusively by Pakistani traffickers.

The government has stepped up enforcement measures at airports, especially Lagos International. U.S. Customs is sponsoring a training program for Customs employees. DEA has assigned an officer to Lagos to develop a working relationship with Nigerian enforcement authorities, and to evaluate the feasibility of establishing a permanent office there or at some other location in West Africa.

There has been significant spill-over effect, resulting in a growing addict population.

The following statistics illustrate the increase in Nigerian involvement in heroin trafficking: (1985 not available)

	1984	1983	1982
Heroin Seizures from Nigerians			
In the U.K. (KGS)	27.5	9.8	1.8
Elsewhere	30.7	20.0	.95
Number of Incidents Involving Nigerians			
In the U.S.	92	21	3
Elsewhere	31	15	4

SENEGAL

Cannabis cultivation in Senegal yielded approximately 150 metric tons in 1984. Nearly 90 percent of the crop is believed to be consumed locally. Less than ten percent is believed to be exported to Gambia and other neighboring countries.

In January 1985, Senegal took the lead among West Africa states in organizing (with UN agencies) an "International

Colloquium on Drug Problems in Francophone African Countries." The conference was important in being the first step towards regional cooperation in drug control.

SOUTHERN AFRICA

Cannabis grows wild in many parts of southern Africa is marketed in Southern Africa. The major areas of production include the northeastern Transvaal escarpment, the independent homeland of Transkei and the Pongola Valley in Natal, and the countries of Swaziland, Lesotho and Botswana. A severe drought in southern Africa during the past three years has substantially reduced the cannabis crop. Furthermore, the South African Government reports that 10 times as much cannabis was seized and destroyed in the first 8 months of 1984 as in all of 1983.

The primary market for the small export quantities of South African cannabis is believed to be Europe with occasional shipments going to the United States.

SUDAN

Sudanese authorities estimate that at least 200 tons of marijuana are produced annually. Most of the cultivation is along the Nile tributaries in the south and east of the country. Cultivations as large as two hectares have been discovered in southern Darfur and Blue Nile provinces. The country's illicit cannabis industry is beginning to find an export market in the Persian Gulf countries, particularly Saudi Arabia. Sudanese officials believe there is a steady flow of amphetamines transiting the country from Sub-Saharan Africa enroute to the Persian Gulf States.

BULGARIA

A.1 Status of Illicit Narcotics Production and Trafficking

The official position of the Government of Bulgaria is that it does not tolerate the activities of known drug dealers on its territory. In forceful terms, the GOB states that (1) there is no internal drug abuse problem, (2) Bulgaria's successes in stemming the flow of drugs across its borders are exceptional, given the country's position as a major land route between Asia and Europe, and (3) charges that foreign drug traffickers use Bulgaria as a base are unsubstantiated, slanderous and politically motivated.

That notwithstanding, Bulgaria does admit to small number of non-registered drug abusers, and to a small domestic drug problem which does not affect Bulgarian society.

The United States Government cannot confirm that narcotics smuggling is state policy in Bulgaria. However, official statements notwithstanding, well-known foreign drug dealers do operate out of semi-permanent bases in Bulgaria, and reside openly in Sofia and other cities for substantial periods of time. In a regimented society, it is inconceivable that such activity could take place without some degree of official acquiescence or perhaps complicity.

It is noted that, in response to Embassy and DEA requests to share information on foreign traffickers, GOB officials have provided a list of some individuals who had been expelled or arrested. But, on others believed to reside in Bulgaria, the GOB claimed to have insufficient information.

Perhaps in response to continued publicity, reports over the past year indicate that much of the alleged drug-related activity of Kintex, the state trading organization, has been curtailed. The GOB Minister of Foreign Trade has admitted that drug-related allegations involving Kintex have been investigated, suggesting at least some level of official GOB concern. Further, most official GOB statements to the media suggest increased awareness and sensitivity to foreign criticism concerning alleged GOB involvement in the illicit narcotics traffic.

Meanwhile, GOB officials attempt, in highly detailed press conferences, to emphasize the number and volume of drug seizures, and cite new laws which increase the penalties for drug trafficking.

U.S. Interests

The United States continues to urge the GOB to halt all smuggling through its territory, and, inter alia, curb any official involvement in the trafficking. The GOB has created an interagency drug enforcement unit to direct liaison with the Embassy and DEA. The success of these efforts at cooperation will be seen by the United States as a test of Bulgarian sincerity on the drug trafficking issue. The GOB is still very interested in a formal customs protocol with the United States, and U.S. officials have made clear that a response will be influenced by evidence of Bulgarian dedication to all aspects of drug enforcement.

Legitimate Production

Under the 1961 Single Convention, Bulgaria is permitted to cultivate a limited amount of opium poppies for legitimate drug production. The traditional poppy-growing region is the Southwestern portion of the country. According to information from the INCB, the last production of opium in Bulgaria was in 1976. In 1985, the GOB informed the Embassy that opium had not been produced in Bulgaria for several years.

Bulgaria does manufacture some amphetamine, although recent attempts to purchase precursor chemicals from West German suppliers have been unsuccessful. In 1984, the GOB informed the U.S. mission, Sofia, that production and export of aspirin-amphetamine combinations had ceased. There is no known production of coca, cannabis, or hypnotic/sedative substances in Bulgaria.

Illicit Drug Production

Bulgaria is a major transshipment point for heroin. Unconfirmed reports suggest that several heroin processing laboratories may be operating in Bulgaria. Many well-known smugglers, primarily of Turkish origin, reside in Bulgaria on at least a temporary basis. The Bulgarian-based smugglers, known to move shipments of other contraband, may possibly move heroin through Bulgaria, and are presumed to be involved in these illicit heroin processing activities. The number of such traffickers resident in Bulgaria is believed to be decreasing.

The GOB confirms the official U.S. belief that the principal smuggling route is the heavily travelled international highway (E-80) which passes through the country from Istanbul to Belgrade. GOB officials have declined to speculate on the annual quantity of narcotics which transit annually through Bulgarian territory.

Additionally, there are indications of increased smuggling along the international rail line which runs parallel to highway E-80. In the past, there have also been some illegal arms shipments from Bulgarian ports, and it is plausible that the same ships could have brought narcotics into Bulgaria for transshipment though more established routes.

In 1985, a raid on a heroin laboratory in Sicily resulted in the seizure of a plate and frame filter made by Elprom - Trayan, a Bulgarian manufacturing firm. The GOB has offered information concerning the firm and its export activities, although preliminary DEA investigations indicated that only the motors of the filtration apparatus was manufactured in Bulgaria.

A.2. Accomplishments in 1985

In February 1985, officials from several GOB ministries staged an unusual news conference for domestic and foreign media. In careful and detailed presentations, spokesmen reviewed the number and volume of drug seizures while dismissing western allegations that Bulgaria was a safe haven for traffickers. The GOB spokesmen also reviewed new legislation strengthening legal sanctions and penalties for drug trafficking.

The United States has continued attempts to establish a serious working relationship with the GOB in the enforcement field. These efforts met with preliminary success in 1985, with the establishment of a GOB interagency drug enforcement unit for direct liaison with the U.S. Embassy and DEA. In view of the poor history of such contacts in the past, current efforts are a serious test of Bulgarian sincerity towards significant cooperation against drug trafficking.

The GOB only provides arrest and seizure data provided by the Customs service; no domestic arrest and seizure data are available. Heroin seizures declined from a 1984 level of 93.9 kilograms to 8.65 kg. in 1985. Hashish seizures declined from 1.36 kg. to .6 kg. in 1985, while marijuana seizures declined from 22.4 kg. in 1984 to nothing in 1985. There were twelve arrests of foreign nationals for smuggling of narcotics in 1985.

A.3. Plans, Programs and Timetables

In February 1985, the GOB announced new legislation as amendments to the penal code, strengthening existing articles governing the use and trafficking of illicit drugs. The most significant of these revisions mandate penalties ranging from three to fifteen years of "corrective labor" for persons engaging in narcotics transactions on GOB territory.

While the promulgation of the new drug law and increased DEA contact is a positive sign, it remains to be seen how consistently the GOB pursues these initiatives.

A.4 Adequacy of Legal and Law Enforcement Measures

As noted previously, the narcotics code was significantly strengthened in 1985.

Bulgaria is a party to the 1961 Single Convention and the 1971 Convention in Psychotropic Substances. It is not a party to the 1972 amendments to the Single Convention.

Bulgaria is a member of the Customs Council Policy Committee. On May 13-17, Bulgaria hosted an international conference of Customs representatives in Varna, which was not attended by the U.S. Customs delegation; during the conference, agreements of future Customs cooperation were made with the Netherlands, Austria, and the United Kingdom.

The Bulgarian Customs Service and the Ministry of Interior (police) share administrative responsibility for narcotics investigations. Recently, the Ministry of Interior has increasingly taken the lead in drug enforcement matters, causing some interagency resentment. In the past, there has been evidence that at least some GOB Customs inspectors have been in collusion with narcotics traffickers.

A.5. Domestic Drug Abuse

The Ministry of Health is responsible for drug education, prevention and treatment. A special clinic near Sofia specializes in the de-toxification of alcoholics and drug addicts. Unofficial Ministry of Health contacts indicate that approximately one hundred heroin addicts receive drug maintenance treatment.

Officially, the GOB admits to no illicit narcotics addiction problem, e.g. heroin, but concedes some abuse of prescription stimulants and sedatives. A Ministry of Health official adknowledged to the U.S. Embassy that of the 500 registered addicts in Bulgaria, approximately 300 utilize opium-based preparations.

The major focus of the Ministry of Health substance abuse programs is alcoholism and tobacco use, rather than narcotics dependence. Detoxification and group psychotherapy are the narcotics treatment modalities of choice in Bulgaria, and are apparently carried out on an in-patient/residential basis.

C.1. Statistical Tables

None available.

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APPENDIX

INTERNATIONAL NARCOTICS TRAINING

More than 1,200 persons from over 80 countries participated in the U.S. Government's International Narcotics Training program in FY 1985. Funded by INM, and carried out primarily by DEA and the U.S. Customs Service, this program has two major objectives: first, to improve the technical and investigative skills of law enforcement and customs personnel, thereby upgrading drug law enforcement capabilities in key narcotics trafficking and transit countries; second, to promote increased cooperation and coordination between U.S. and foreign law enforcement officials.

Although basic enforcement techniques have traditionally been the focus of narcotics control training, in recent years the emphasis has shifted to courses dealing with special investigative requirements unique to various host countries. During FY 1985 special courses were given on financial investigation and intelligence techniques peculiar to the individual countries. For example, a number of special seminars were organized for prosecutors and judicial officials in Latin America. Training in the host countries has concentrated on improving the technical skills of law enforcement and customs personnel with a solid background in narcotics interdiction and law enforcement.

In principle, operational-level officers attend training courses in host countries, while senior, managerial-level officers attend training courses in the United States. Whenever possible, officers who have previously received training as instructors share the training responsibility in host countries. These joint efforts enhance the drug investigation capabilities of foreign officers, while improving multilateral intelligence and information exchange.

The Executive Observation and International Visitor Programs are other important components of the International Narcotics Control Training Program. These programs give policy-level officials from key narcotics-trafficking and transit countries the opportunity to consult with their U.S. counterparts and provide a first-hand view of U.S. narcotics control programs and institutions. Such programs also promote increased mutual understanding of the problems associated with efforts to control narcotics trafficking, production and abuse. While INM funds the Executive Observation and International Visitors Programs, they are administered by the U.S. Customs Service, the Drug Enforcement Administration, and the United States Information Agency.

Drug Enforcement Administration:

	number of participants	number of programs
Training in U.S.:		
Executive Observation Programs	20	12
Advanced International Academy	97	3
Caribbean Regional Schools	48	2
Subtotal	165	17
Training in Host Countries		
Drug Enforcement Schools	270	9
Collection and Analysis Methods	180	6
Criminal Information Research	30	1
Financial Investigative Methods	30	1
Methods of Instruction	120	4
Judicial/Prosecutors' Seminar	60	3
Special Technical Team (airport)	30	1
Subtotal	720	25
INM Sponsored Programs:		
International Visitors' Programs	12	5
U.S. Customs Service Courses, Seminars and Programs:		
Mid Management Seminar	60	2
Overseas Enforcement Training	210	8
Train-the-Trainer Workshop	14	1
Executive Observation Programs	20	5
Subtotal	304	16
Total Trained in FY 1985	1201	63

ASSISTANCE FROM MULTILATERAL DEVELOPMENT BANKS
1985
$ MILLIONS

COUNTRY	IBRD	IFC	IDA	IDB	ADB	AFDB	TOTALS
Argentina	1.8	63.4	0.0	101.3	0.0	0.0	166.5
Bahamas	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Belize	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Bolivia	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Brazil	1523.0	44.6	0.0	379.5	0.0	0.0	1947.1
Burma	0.0	0.0	32.3	0.0	0.4	0.0	32.7
Colombia	707.5	23.0	0.0	413.3	0.0	0.0	1143.8
Costa Rica	83.5	0.0	0.0	0.0	0.0	0.0	83.5
Ecuador	8.0	0.0	0.0	274.4	0.0	0.0	282.4
Egypt	263.3	6.2	0.0	0.0	0.0	118.3	387.9
Hong Kong	0.0	0.0	0.0	0.0	0.0	0.0	0.0
India	1674.0	34.7	672.9	0.0	0.0	0.0	2381.6
Indonesia	972.7	1.2	0.0	0.0	503.0	0.0	1476.9
Jamaica	64.0	10.5	0.0	20.1	0.0	0.0	94.6
Laos	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Lebanon	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Malaysia	89.8	0.0	0.0	0.0	134.4	0.0	224.2
Mexico	598.0	0.0	0.0	397.3	0.0	0.0	995.3
Morocco	207.6	44.6	0.0	0.0	0.0	180.5	432.6
Pakistan	433.0	39.9	245.3	0.0	573.5	0.0	1291.7
Panama	51.0	37.5	0.0	52.8	0.0	0.0	141.3
Peru	31.0	16.8	0.0	0.0	0.0	0.0	47.8
Philippine	254.0	48.1	0.0	0.0	1.0	0.0	303.1
Syria	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Thailand	112.5	0.6	0.0	0.0	171.1	0.0	284.2
Turkey	698.5	7.1	0.0	0.0	0.0	0.0	705.6
Venezuela	0.0	0.0	0.0	138.0	0.0	0.0	138.0

Source: 1985 World Bank (IBRD and IDA) and IFC Annual Reports, and various reports from the ADB, IDB and AFDB, using the totals of approved projects during each bank's fiscal year. The fiscal year for the IBRD, IDA and the IFC ends on 30 June 1985. The other banks complete their fiscal year on 31 December.

IBRD is the International Bank for Reconstruction and Development
IDA is the International Development Association
IFC is the International Finance Corporation
IDB is the Inter-American Development Bank
ADB is the Asian Development Bank
AFDB is the African Development Bank (and Fund)

U.S. ECONOMIC AND MILITARY ASSISTANCE
FY 1986 ESTIMATE
BY COUNTRY AND PROGRAM ($ MILLIONS)

COUNTRY	DA	ESF	PL480 I	PL480 II	PEACE CORPS	INT'L NARCOTICS	IMET	FMS CONC	FMS GUAR.	MAP	TOTAL
ASIA											
Burma	10.0					5.5	0.2				15.8
India	75.0			80.4			0.3				155.7
Indonesia	53.0		30.0	3.0			1.9	19.1			107.0
Laos											0.0
Malaysia							0.9		1.9		2.8
Pakistan	24.0	239.3	50.0			3.5	0.9		311.0		628.6
Philippines	18.9	119.6	36.0	7.7	4.9		2.1		14.4	38.3	240.9
Thailand	19.0	5.0			2.0	3.6	2.2	38.2	42.3	4.0	117.9
ARA											
Argentina							.0				.0
Bahamas							.0				.0
Belize	6.6	1.9			2.4		0.1			0.5	11.4
Bolivia	9.3	14.4	20.0	8.5		3.7	0.3			2.9	59.0
Brazil						0.7	.0				0.7
Colombia						10.6	0.8		9.6		21.0
Costa Rica	10.9	120.6	23.0		3.1		0.2			2.4	160.1
Ecuador	22.5	20.1	5.0	0.6	3.0	0.9	0.7	1.9	1.9		56.6
Jamaica	19.0	59.3	30.0	1.6	2.2		0.2			7.7	120.1
Mexico						10.1	0.2				10.3
Panama	17.2	5.7					0.6	3.8		3.0	31.2
Peru	17.9	9.6	20.0	8.0		4.0	0.7				60.2
Venezuela							0.1				0.1
NEAR EAST/EUROPE											
Egypt		1031.4	213.0	6.9			1.7	1244.1			2497.1
Lebanon		21.9					0.5				22.4
Morocco	20.0	11.5	40.0	5.6	2.2		1.4	1.0		33.5	115.1
Turkey		119.6				0.9	3.2	330.2	79.3	205.0	738.0
Asia-NE Regional	25.0	17.0				0.4					43.9
LAC Regional	27.4	6.7				7.0				0.5	41.6

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U.S. ECONOMIC AND MILITARY ASSISTANCE
FY 1987 PROPOSAL
BY COUNTRY AND PROGRAM ($ MILLIONS)

COUNTRY	DA	ESF	PL480 I	PL480 II	PEACE CORPS	INT'L NARCOTICS	IMET	FMS CONC	FMS GUAR.	MAP	TOTAL
ASIA											
Burma	10.0					8.8	0.4			1.0	20.2
India	72.0			80.5			0.4				152.9
Indonesia	55.0		15.0	4.0			2.0	35.0			111.0
Laos											0.0
Malaysia							1.2		5.0		6.2
Pakistan	25.0	250.0	50.0			2.9	1.4		340.0		669.3
Philippines	[illegible]	95.0		7.7	5.2		2.0	[illegible]		50.0	233.6
Thailand	19.0	5.0			2.0	4.3	2.5	61.0	42.5	5.0	142.1
ARA											0.0
Argentina							0.1				0.1
Bahamas							0.1				0.1
Belize	7.5	3.0			2.5		0.1			1.0	14.1
Bolivia	9.3	20.0	20.0	8.3		4.7	0.4			6.0	68.6
Brazil						1.2	0.1				1.3
Colombia						10.2	1.0	10.0		10.0	31.1
Costa Rica	16.0	150.0	18.0		3.2		0.3			3.1	190.5
Ecuador	22.5	15.0		0.5	2.8	0.8	0.7			8.0	50.3
Jamaica	23.0	[illegible]	30.0		2.3		0.3			8.0	163.6
Mexico						11.3	0.3				11.6
Panama	18.1	28.0					0.8	4.0		9.8	60.7
Peru	20.0	37.0	10.0	7.8		5.7	0.9	5.0		20.0	106.3
Venezuela							0.2				0.2
NEAR EAST/EUROPE											
Egypt		815.0	185.0	4.9			2.0	1300.0			2306.9
Lebanon		2.0					0.0				2.0
Morocco	18.0	20.0	40.0	4.2	2.1		1.9	10.0		60.0	156.1
Turkey		150.0				1.0	4.0	455.0	145.0	220.0	975.0
Asia-NE Regional	22.1	25.0				0.3					47.4
LAC Regional	24.1	12.0				4.0	4.0				44.1

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D.

NATIONAL DRUG ENFORCEMENT POLICY BOARD:
INTERIM REPORT TO CONGRESS,
MARCH of 1986;
PURSUANT TO THE NATIONAL NARCOTICS
ACT OF 1985

INTRODUCTION

In response to the growing scope and complexity of America's drug problem, the Federal government in recent years has significantly expanded its enforcement efforts to reduce the supply of illegal drugs in our society. Of the approximately $1.7 billion authorized for drug abuse functions in Fiscal Year (FY) 1985, over $1.4 billion was spent on domestic and international supply reduction programs. The number of Drug Enforcement Administration special agents, diversion investigators, intelligence analysts, and chemists has steadily increased since 1982. The Federal Bureau of Investigation has been assigned drug enforcement responsibility as one of its primary missions and has directed over 1,000 agents into drug investigations since 1982; the Internal Revenue Service has doubled its commitment to drug enforcement during the last few years; the U.S. Customs Service and the U.S. Coast Guard have made drug interdiction their first law enforcement priority; and the State Department Bureau of International Narcotics Matters has grown steadily. Additionally, formal interagency programs, such as the Organized Crime Drug Enforcement Task Force Program and the National Narcotics Border Interdiction System, have been created and expanded. This report documents recent progress made by our domestic and international supply reduction programs in combatting drug trafficking.

In its July 1985 Interim Report to Congress, the National Drug Enforcement Policy Board affirmed the President's 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking, as modified by the Comprehensive Crime Control Act of 1984. The Interim Report stressed four principal drug law enforcement strategies:

1. Identify, investigate, prosecute, and incarcerate the members of drug trafficking organizations. Immobilize their criminal enterprises through seizure of their drugs and forfeiture of their drug-derived assets.

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2. Intercept and seize drug contraband en route to or at the borders of the United States.
3. Destroy illegal drugs at their source through eradication and the seizure of clandestine laboratories and precursor chemicals.
4. Apply control measures to stop the production and distribution of illicit drugs and the diversion of legitimately produced drugs into the illegal market.

This report discusses the activities of the Federal government in implementing its drug law enforcement strategies and presents its numerous accomplishments. The work of the Policy Board is reviewed first.

The National Drug Enforcement Policy Board was created by the National Narcotics Act of 1984 to improve policy development and coordination among the various Federal agencies by:

- Reviewing, evaluating, and developing United States government policy, strategy, and resources with respect to drug law enforcement efforts, including budgetary priorities and a national and international drug law enforcement strategy;
- Facilitating coordination of all United States government efforts to halt national and international trafficking in illegal drugs; and
- Coordinating the collection and evaluation of information necessary to implement United States policy with respect to drug law enforcement. (Section 1304(a) of the National Narcotics Act of 1984.)

Members of the Policy Board, chaired by the Attorney General, are the Directors of Central Intelligence and the Office of Management and Budget; the Secretaries of the Departments of Defense, Health and Human Services, State, Transportation, and Treasury; the Deputy Assistant to the President for Drug Abuse Policy; and the Vice President's Chief of Staff.

The organizational structure adopted by the Policy Board, which was fully described in its July 1985 Report, includes an interagency Coordinating Group chaired by the Deputy Attorney General and an interagency staff that supports the Board and the Coordinating Group. Currently, 22 individuals, including the heads of eleven agencies, regularly participate in Coordinating Group meetings. At the request of the Coordinating Group, members of the National Security Council staff and the President's Commission on Organized Crime attended recent meetings of the Coordinating Group.

In July 1985 the Policy Board Staff became a permanent entity with a Staff Director and a full-time secretary. The Department of State, Department of Defense, and U.S. Coast Guard permanently assigned senior staff personnel to work on the Policy Board Staff. Representatives from the Drug Enforcement Administration and the Treasury Department have recently reported or are expected to join the staff soon. The Criminal Division of the Department of Justice has provided significant staff contributions, and liaison personnel from the U.S. Customs Service, Office of Management and Budget, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Internal Revenue Service, and Organized Crime Drug Enforcement Task Forces have also provided additional staff support. The Policy Board Staff, including these liaison personnel, has held weekly staff meetings since July to address the Policy Board agenda and to ensure that Policy Board matters are given priority consideration throughout the participating agencies.

The Policy Board met four times in 1985 (April, August, September, and November); the Coordinating Group met five times (May, June, August, October, and November). Both the Policy Board and the Coordinating Group will meet monthly beginning in 1986. Policy Board and Coordinating Group meetings continue to generate a high level of interest and commitment; attendance at both has been excellent.

The Policy Board made a number of noteworthy decisions during 1985. It considered and reaffirmed the President's 1984 National Strategy, and forwarded the Policy Board's first report to Congress on July 9, 1985. In August, the Board accepted the recommendation of the Coordinating Group and approved an interagency system for collecting and processing drug seizure statistics. This system will provide, for the first time, a central and uniform method for the collection of drug seizure data. In November, the Board approved a modified version of the drug crisis management system that the Secretary of State had introduced to the Board in April. The Attorney General, as Chairman of the Policy Board, signed a directive on drug crisis management in early 1986. The Board also directed the Coordinating Group to undertake several policy-related projects, including the following:

- The Secretary of Defense offered sixteen proposals for expanded DOD support of drug law enforcement, which are now under review by the Policy Board Staff and participating agencies. Priority has been given to one of the proposals: the development of an All-Source Intelligence Center that would consolidate drug intelligence at one location for improved efficiency and effectiveness. An eight member Oversight Committee is meeting periodically to assess the feasibility of several implementation alternatives and to develop a recommendation.

- The Policy Board Staff is evaluating the Federal effort to eradicate domestic cannabis. A draft report of the study, which began in August 1985, will be circulated in March 1986.

- In 1984 a Joint Surveillance Committee study was conducted under the auspices of the Vice President's National Narcotics Border Interdiction System. In October 1985 NNBIS asked the Coordinating Group to review the Committee's draft report. The Staff is obtaining the status of each of that report's recommendations for further consideration by the Coordinating Group in March 1986.

The Board's achievements in this first year extend beyond the specific projects completed or underway. The interagency Staff provides another vehicle for improved communication among agencies. In fact, agencies have already brought a number of inter-agency issues to the Board, Coordinating Group, and Staff for review or resolution.

Of course, it is the agencies themselves which deserve the credit for the many operational achievements of the past two years. This report presents their accomplishments organized by function, rather than by agency. First, however, Chapter I briefly describes the drug problem in 1985. Then Chapters II through X describe the Federal law enforcement response in light of the four major strategies for reducing drug trafficking: investigation and prosecution; interdiction; eradication of drugs at their source; and regulation of the legitimate drug industry. In addition, chapters on intelligence, legal instruments, drug abuse prevention and education, and training describe efforts and accomplishments that make these strategies more effective. Finally, Chapter XI assesses the current drug abuse situation and considers the future of Federal drug enforcement.

Drug abuse and drug trafficking are worldwide problems of enormous dimension. Solutions require sustained and intensive efforts by governments and by citizens throughout the world. This report describes Federal law enforcement programs, which are only a small part of a total effort encompassing State and local governments, foreign governments, international agreements and organizations, private sector businesses and institutions, and individual citizens.

THE DRUG PROBLEM IN 1985

Drug abuse and drug trafficking continue to pose serious threats to the health and welfare of the United States. Millions of Americans abuse illicit drugs, which are readily available in most cities and many other areas. Drug abuse costs society billions of dollars annually in reduced productivity, health care, and other costs. Drug trafficking trends demonstrate the heightened sophistication of trafficking organizations and their increased reliance on violence and corruption.

Cocaine continues to pose the most serious drug abuse problem because of its widespread use, increasing availability, and significant health consequences. According to the most recent National Household Survey (sponsored by the National Institute on Drug Abuse in 1982), approximately 4.2 million Americans use cocaine at least once per month. Cocaine availability remained at high levels throughout 1985, with wholesale prices dropping as much as 16 percent in some areas. Cocaine consumption increased 11 percent from 1983 to 1984, with 55-76 metric tons consumed in this country in 1984. Cocaine-related hospital emergency room visits increased 51 percent from 1983 to 1984, and cocaine-related deaths increased 77 percent during the same period. These increases result, in part, from more dangerous forms of cocaine use, including "freebasing;" increased cocaine purities, with some cities reporting retail purities of 50 percent; and increased use of cocaine in combination with other drugs, particularly heroin, which when injected together is known as a "speedball."

Coca cultivation takes place primarily in Peru and Bolivia, with lesser cultivation occurring in Colombia, Ecuador, and Brazil. The amount of cocaine available for export to the United States increased from approximately 54-71 metric tons in 1983 to 71-137 metric tons in 1984. An estimated 75 percent of the cocaine available in the United States originates in Colombia.

Heroin abuse continues to be a major concern, with an estimated one-half million addicts in the United States. The user population is composed primarily of long-term users and recidivists. Heroin consumption is believed to have stabilized on a national level in 1984-85, after increasing each year from 1979 to 1983. Regionally, increased heroin consumption in the West in 1983-84 was offset by decreased consumption in the Northeast. Despite this stabilized level of heroin consumption, heroin-related deaths increased 31 percent between 1983 and 1984, primarily as a result of the use of heroin in combination with other drugs.

Heroin purity has increased recently. In fact, a relatively new form of heroin, called Mexican "black tar," "gumball," "gum," or "tootsie roll," is available in many areas of the country with retail purities of 40 percent or higher. Use of this Mexican heroin has become popular in cities such as Atlanta and Detroit, where Southwest Asian heroin previously dominated. The three primary sources of heroin available in the United States are Southwest Asia (51 percent), Mexico (32 percent), and Southeast Asia (17 percent).

Marijuana is the most widely used illicit drug in the United States. According to the 1982 National Household Survey, 20 million Americans use marijuana at least once per month. Marijuana use appears to have declined steadily from a peak in 1979 through 1984. However, the 1985 High School Senior Survey (also sponsored by the National Institute on Drug Abuse) indicates a slight increase in use, with 25 percent of survey respondents reporting marijuana use at least once per month in 1984 compared with 26 percent in 1985. Between 7,800 and 9,200 metric tons of marijuana were consumed in 1984, a three percent decrease from 1983.

Marijuana is readily available in most areas of the country, and there is greater availability of high-potency marijuana from Jamaican, Mexican, Thai, and U.S. sources. Colombia continues to be the major supplier of marijuana to the United States. However, the estimated supply of Mexican marijuana to the United States more than doubled between 1983 and 1984. In fact, Mexico could supplant Colombia as the principal marijuana source in 1985-86. The United States supplied 12 percent of the domestic marijuana market in 1984.

The abuse of synthetic drugs perhaps poses the greatest challenge for the future because these drugs provide almost unlimited alternatives to other drugs of abuse. An estimated six million people used dangerous drugs for non-medicinal purposes in 1982. Illicit consumption of dangerous drugs increased an estimated 15 percent in 1984, primarily reflecting increased use of methamphetamine and phencyclidine (PCP). The availability and use of methaqualone and the heroin substitute Talwin continued to decrease in 1984. Controlled substance analogs, such as analogs of fentanyl and alphaprodine, are creating serious health problems in some areas of the country because these drugs' toxicity and potency.

Synthetic drugs reach the illicit market through the diversion of pharmaceutical drugs, such as amphetamines and barbiturates, and through clandestine manufacture. All PCP and most methamphetamine available to illicit users is produced in domestic clandestine laboratories. In an effort to control the problem of controlled substance analogs, which are also produced in domestic clandestine laboratories, the Comprehensive Crime Control Act of 1984 authorizes the Attorney General to temporarily place designated analogs in Schedule I of the Controlled Substances Act, pending hearings to determine permanent scheduling. During 1985 four of the most prevalent and dangerous controlled substance analogs were temporarily scheduled using this provision. In addition, the Administration has submitted legislation to Congress which would, in effect, outlaw the clandestine manufacture, distribution, and possession of controlled substance analogs.

Table I.1. displays the National Narcotics Intelligence Consumers Committee's estimates of quantities of drugs consumed in the United States from 1981-1984. The reader is referred to the Committee's report, Narcotics Intelligence Estimate, for the most recent data on the consumption and production of illegal drugs.

Table I.1.

Estimate of Quantities of Drugs Consumed Illicitly in the United States, 1981-1984*

	1981	1982	1983	1984
Cocaine (metric tons)**	33-60	45-62	50-68	55-76
Dangerous Drugs (billion dosage units)***	3.28	3.03	2.66	3.06
Heroin (metric tons)****	3.85	5.47	6.04	5.97
Marijuana (metric tons)	8,000-11,400	8,200-10,200	8,000-9,600	7,800-9,200

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* These are consumption-based estimates. Estimates for 1981 through 1983 have been revised. One metric ton = 2,205 pounds.

** Supply-based data indicate that a larger quantity of cocaine was available for consumption. This difference is consistent with indicators suggesting that the supply of cocaine exceeded the demand.

*** Quantity is rounded to the nearest 10 million dosage units.

**** The heroin consumption estimate in 1981 was based on Treatment Outcome Prospective Study (TOPS) information. Estimates for subsequent years are based on Drug Abuse Warning Network (DAWN) data; therefore, direct comparisons are not appropriate.

SOURCE: Narcotics Intelligence Estimate 1984, p. 8.

Conclusion

The increasing complexity, diversity, and scope of the drug abuse and drug trafficking problems confronting this country require a dedicated, comprehensive, and coordinated approach. Although many of the trends concerning the drug problem are disturbing, there are a number of reasons for encouragement. First, the overall number of drug users appears to be stabilizing, even at a time when drugs are readily available. Second, strong drug law enforcement and intensified anti-drug efforts in other countries are seriously disrupting established drug supply mechanisms. Finally, law enforcement officials are better able to detect and assess the resulting changes in the drug traffic and to take effective action before new trafficking operations can become firmly established.

INTERDICTION

The primary objective of drug interdiction is to substantially reduce the availability of illegal drugs in the United States by limiting the flow of drugs smuggled into this country, through seizures of drugs and through deterrence of potential drug smugglers. With a 96,000 mile coastline, large and desolate stretches of land border with Mexico and Canada, accessible airspace, and creative smuggling methods, interdicting drugs is an enormous challenge.

Protecting our borders is largely a Federal responsibility. The primary agencies involved in the drug interdiction effort are the U.S. Customs Service (Customs) and the U.S. Coast Guard (Coast Guard); in addition, the Department of Defense (DOD), the intelligence community, and other law enforcement agencies contribute to this effort.

The detection of drug smuggling requires a variety of efforts that go beyond vigilance at our borders. Traffickers are vulnerable all along their smuggling routes, from the staging areas in source countries to the first point of delivery inside the United States. The drug enforcement community has developed a wide array of programs to exploit smugglers' vulnerabilities and increase the risks of drug smuggling.

Primary and Support Agencies

U.S. Coast Guard

The Coast Guard is one of the two Federal agencies principally responsible for the maritime interdiction of drugs, and the only United States agency with law enforcement jurisdiction both on the high seas and on United States waters. This allows the Coast Guard to interdict vessels carrying drugs destined for the United States when these vessels are outside Customs waters (the 12-mile limit). Coast Guard officers and petty officers are designated Customs officers by law, thereby giving the Coast Guard and the Customs Service joint jurisdiction within the 12-mile limit. However, the Coast Guard emphasis is on detecting and boarding drug trafficking vessels in transit on the high seas.

In addition to drug interdiction, the Coast Guard's law enforcement responsibilities include fisheries and marine resources, environmental protection, vessel safety, and illegal immigration. Although it is part of the Department of Transportation, the Coast Guard operates within the Department of the Navy in time of war, national emergency, or when directed by the President.

The Coast Guard carries out a variety of duties in addition to law enforcement. These include maritime search and rescue, aids to navigation, ice breaking, marine safety, and, as an Armed Service, military readiness. The scope of Coast Guard operations is such that nearly all of its 44,000 members, as well as its 250 ships, 2,000 boats, 200 shore stations, and 150 helicopters and fixed-wing aircraft, must have multi-mission capabilities.

U.S. Customs Service

Customs, under the Treasury Department, plays a major role in the Federal drug interdiction effort. Customs concentrates its efforts at ports of entry to interdict bulk quantities of drugs before they can be introduced into the United States illicit drug markets. Contraband Enforcement Teams at major airports and seaports search for and seize illicit drugs from cargo and common carrier conveyances. Regular inspectors have increased their searches based on profiles, experience, and suspicion. Customs mail branches conduct extensive inspections of parcels and letters entering the country to intercept drugs.

Customs also conducts preventive interdiction, using common carrier agreements that provide incentives for carriers to assist in prohibiting the smuggling of drugs on their conveyances. In addition, Customs provides drug control training and advisory assistance to border control agencies of drug source and transshipment countries.

Customs has several additional duties, all involving the movement of goods and people across United States borders. These responsibilities involve the collection of revenue on imported goods, the control of exports (particularly those affecting national security and foreign policy), and the control of imports which could be harmful to the well-being of the Nation. The last responsibility includes not only illicit drugs, but also such things as child pornography, unsafe foodstuffs, counterfeit trademark merchandise, and stolen goods. Customs has been delegated enforcement authority for over 200 laws concerning imports and exports by 40 different agencies.

Support Agencies

Many agencies provide support to the Coast Guard and Customs Service in drug interdiction efforts. The Drug Enforcement Administration (DEA), DOD, Immigration and Naturalization Service (INS), Federal Aviation Administration (FAA), and the Bureau of Alcohol, Tobacco, and Firearms (ATF) play important roles. These agencies and others provide intelligence, surveillance and boarding platforms, transportation, radar and communications support, and personnel augmentation. Each agency performs these support functions, in addition to their regular tasks, when needed on a case-by-case basis.

Intelligence Support

As a result of Executive Order 12333, issued in 1981 and authorizing the intelligence community to target the foreign aspects of drug trafficking, the national intelligence community has provided increasing support to the Federal interdiction effort. A growing awareness of the intelligence requirements of law enforcement agencies has led to increased raw data and processed intelligence provided by the intelligence community.

Representatives of all the principal law enforcement agencies staff the Drug Enforcement Administration's El Paso Intelligence Center (EPIC). EPIC responds directly to field unit queries with information on specific vessels and aircraft suspected to be involved in drug smuggling. EPIC also provides special reports on emerging trends in smuggling methods to assist enforcement officers in their day-to-day operations. In addition, EPIC maintains information on the world drug situation and drug movements for use in developing interdiction strategies.

In October 1984 the Coast Guard established its Intelligence Coordination Center (ICC) to support drug interdiction and other Coast Guard mission areas. The ICC works with the national intelligence community to facilitate the flow of smuggling-related foreign intelligence to Coast Guard operational commanders and the Regional Coordinators of the National Narcotics Border Interdiction System (discussed below).

The Vice President's National Narcotics Border Interdiction System

President Reagan established the Vice President's National Narcotics Border Interdiction System (NNBIS) in early 1983. NNBIS is a management system, not an agency, designed to enhance the national drug interdiction effort. The principal function of NNBIS is to improve coordination among Federal, State and local agencies, in order to increase the effectiveness of the national drug interdiction effort. Under the direction of the Vice President, NNBIS brings together the unique jurisdictions and expertise of the various law enforcement agencies and support elements (such as the military and intelligence organizations) to facilitate a coordinated drug interdiction effort. NNBIS collates and shares intelligence, assesses threats, identifies resources, recommends actions, and coordinates joint and special operations. In addition to a small Washington staff, NNBIS regional centers have been established in El Paso, Chicago, New York, Miami, New Orleans, Long Beach, and Honolulu. These centers are staffed by Coast Guard, Customs, DEA, FBI, INS, DOD/Military Services, and other Federal, State, and local personnel. They serve as the focal points for coordinated regional interdiction efforts.

Interdiction Objectives

A successful interdiction strategy must render drug smuggling substantially more risky and less profitable. In an effort to accomplish this, the interdiction strategy focuses on these elements:

1. Increase the seizure and arrest rates. Arresting drug traffickers and seizing their contraband reduce drug availability, immobilize smugglers, and reduce profits.
2. Deny traditional traffic routes. Route denial forces smugglers to stockpile drugs, which can aid source country eradication and seizure efforts. Route denial also forces smugglers to shift to longer or less profitable routes and methods.
3. Apply visible enforcement pressure in a flexible manner to deter smugglers. This will force them to use longer, more vulnerable routes and methods and increase the chances of detection. This also increases shipment costs and complicates logistics, resulting in reduced profits.

Interdiction complements the other facets of drug law enforcement. In addition to enhancing source country eradication and enforcement programs by forcing smugglers to delay drug shipments and stockpile drugs, seizures and arrests provide valuable information to other areas of drug law enforcement. Information obtained as a result of a drug seizure often leads investigators to higher level traffickers. Similarly, investigations can support interdiction efforts through exchange of information. Post-seizure analysis can assist intelligence agencies in determining shifts in trafficking patterns and identifying emerging threats. These additional benefits of interdiction are significant contributions to the Federal drug law enforcement effort.

Part of the interdiction strategy fosters international cooperation in the effort against drugs. Special joint operations with key foreign governments improve communications and cooperation among the many countries faced with the serious problems of drug abuse and trafficking.

Because sealing off the entire coastline and land borders of the United States is impossible, drug interdiction efforts must be concentrated in areas of highest threat in order to optimize the use of available assets. In 1984, 96 percent of the foreign supply of marijuana destined for the United States originated in Colombia, Jamaica, Mexico, and Belize. All of the cocaine destined for the United States originated in South America.

Therefore, interdiction efforts have largely been concentrated along our southeastern sea border, primarily Florida, where the overwhelming volume of marijuana and cocaine arrives in the United States by sea and air. Interdiction operations in the Gulf of Mexico and along the Mexican border have been growing as the threat there increases. Less intensive operations are conducted along the Atlantic and Pacific coasts. Additionally, there are substantial interdiction efforts at major airports, seaports, and principal land border crossings where international arrivals might be carrying drugs.

Interdiction Methods

Successful drug interdiction programs must employ innovative, bold, and flexible strategies and tactics. Smugglers are rich, resourceful, and resilient. Drug smuggling organizations have ready access to huge sums of money and can purchase state of the art aircraft, boats, and equipment. They employ decoys and engage in counter-surveillance to locate and avoid interdiction forces. As enforcement pressure is applied, they seek the paths of least resistance, quickly shifting trafficking routes and shipment modes if necessary. Therefore, interdiction efforts must be varied and applied in such a manner as to keep smugglers constantly off-balance and concerned about what the interdiction forces will do next. A variety of efforts to accomplish this are discussed below.

Intelligence

The collection, analysis, and dissemination of intelligence concerning the movements of drugs destined for the United States play a key role in the interdiction strategy. In 1984 and 1985, intelligence collection and analysis steadily improved. Increased coordination and dissemination of drug-related intelligence among EPIC, NNBIS, the Intelligence Coordination Center, the intelligence community, and other law enforcement agency intelligence units significantly enhanced interdiction efforts. For example, intelligence played a key role in roughly 50 percent of the Coast Guard's mothership seizures in 1984 and 1985. These seizures accounted for approximately 65 percent of the total amount of marijuana seized by the Coast Guard during that period.

In addition to the direct contribution of tactical intelligence in making seizures, strategic intelligence is used to identify emerging source countries, staging areas, and transshipment points, and to signal shifting trafficking patterns and modal changes. Armed with these indicators, strategic planners can shift enforcement pressure to meet the emerging threats. Intelligence also provides a means to evaluate the effectiveness of specific strategies and operations through analysis of smugglers' reactions. This further improves interdiction by enabling strategists to predict reactions to planned operations and develop countermeasures to meet them.

Coordination

The effectiveness of interdiction depends largely on interagency and international cooperation. Although the Coast Guard and Customs have primary responsibility for drug interdiction, more than two dozen agencies in nine Federal departments, as well as hundreds of State and local agencies, play a role. For example, the military services provide detection and surveillance support, equipment, and personnel to law enforcement agencies, while the Federal Aviation Administration provides detection support to the air interdiction program.

Coordination among the numerous agencies is essential to ensure the most efficient interdiction effort. Through the efforts of individual agencies seeking and receiving the cooperation of other agencies, a high level of interagency coordination has been achieved. Improved lines of communication and a heightened degree of cooperation among the various agencies have been apparent in the last two years. This was demonstrated during two major multi-agency interdiction operations known as HAT TRICK and BLUE LIGHTNING. With NNBIS providing planning support and coordination, the DEA, Coast Guard, Customs, DOD and foreign governments worked closely to plan and execute these successful operations. Both operations are discussed later in this chapter.

The "Cold Hit"

An important element of the interdiction strategy is the "cold hit." The cold hit approach is based on the assumption that a large amount of smuggling activity goes undetected by specific intelligence. Through random patrols, spot checks, and investigations of people or conveyances fitting smuggling profiles developed through intelligence, potential smugglers are targeted. Enforcement officers or units are also alert for any suspicious activity or behavior that might indicate drug smuggling and lead the officers to a successful search and seizure.

The effectiveness of this approach is exemplified by the Customs statistics in Table III.1. and the fact that approximately 50 percent of the Coast Guard's mothership seizures in 1984 and 1985 were cold hits. In FY 1985, cold hits accounted for the following percentages of seizures and drug quantities interdicted by Customs:

Table III.1.

U.S. CUSTOMS SERVICE
SEIZURES MADE FROM "COLD HITS" DURING FY 1985

Drug	Cold Hits as a Percent of Number of Seizures	Cold Hits as a Percent of Drug Quantity Seized
Heroin	79.6	68.0
Cocaine	82.7	36.5
Hashish	62.4	33.3
Marijuana	44.7	38.7
Other Drugs	36.2	8.9

High Technology

A key development in the Federal fight against drug trafficking is the acquisition and use of high technology equipment designed to provide greater security for law enforcement operations and to enhance the detection and intercept capabilities of interdiction forces. Navy and Air Force E-2/E-3 flights in support of law enforcement have assisted in the detection of potential smuggling aircraft. Customs is using four P-3 aircraft, on loan from the Navy, to increase its air interdiction, detection and surveillance capabilities. Customs is also using Air Force provided F-15 radar and Forward Looking Infra-Red Radar (FLIR). These aircraft employ surface search radar for maritime detection. Air Force and Customs land-based aerostat radar systems have provided down-looking radar capability in the Caribbean and Gulf regions to improve aircraft and vessel detection capabilities, while the Coast Guard uses sea-based aerostats to increase detection of maritime smugglers far offshore. Customs-operated Blackhawk helicopters are being used for aircraft surveillance and to transport interdiction teams, and high speed Surface-Effect-Ships (SES) are employed to intercept smuggling vessels. Mobile marine repeaters are improving communications and covered voice radio equipment is improving operational security.

Modular Concept

To provide quick response enforcement teams in conjunction with sensor systems and intelligence, Customs developed the Marine Module and Air Module concepts. In 1984 and 1985, the modular concept was in the development and implementation stages.

The Marine Module will consist of a radar platform vessel and two or more high-speed interceptor vessels. It will employ computerized radar to detect and track suspect vessels, and to vector interceptors. The system will provide intercept courses to the response vessels using voice privacy radio equipment. The Aviation Module will use the same concept, combining larger surveillance aircraft with smaller, faster interceptors.

Interdiction Programs

Land

Several significant changes have taken place in land interdiction programs in the last three years. These include upgrading ports, training inspectors in the use of observational techniques and behavioral analysis, developing violator profiles of the various types of drug and currency smugglers, and improving the selection of vehicles as high-risk or low-risk (by "Rovers" in front of the primary inspector when there is a back up of traffic). Contraband Enforcement Teams have been formed to provide highly trained mobile inspectors that are able to concentrate on areas where drug threats are the greatest. Inspectors are using new technology, such as fiberscopes, contraband detector kits, and automatic license plate readers. A joint Customs/Immigration and Naturalization Service (INS) Task Force has been established to discuss interrelated items routinely at the program staff level.

INS inspectors man all land border ports of entry and have concurrent jurisdiction with Customs inspectors. In addition, INS inspects incoming passengers at international airports, providing an inspection team with Customs. Drug seizures by INS have increased from 796 in 1984 to 1,573 in 1985. The INS Border Patrol and anti-smuggling operations resulted in the apprehension of 2.5 million illegal aliens in 1984 and 1985, establishing a deterrent presence between ports of entry. In the process of conducting these apprehensions, INS Border Patrol made drug seizures valued at $42 million in 1984 and $119 million in 1985.

Air

According to the 1984 Narcotics Intelligence Estimate, cocaine is smuggled primarily by air. Although estimates of the amounts transported by various modes are imprecise, approximately 62 percent of the cocaine seized in 1984 came from general aviation aircraft. A much smaller percentage of marijuana is smuggled by air. In 1984 only seven percent of marijuana seizures came from general aviation aircraft. Lesser amounts of other drugs are also smuggled by air.

The Customs air interdiction program concentrates on interdicting general aviation aircraft smuggling contraband into the United States. Strategic and tactical intelligence are used to select the optimum times and places for interdiction operations. Detection systems are monitored to identify intrusions, and special sensor-equipped aircraft are employed to intercept and track air smugglers. However, smuggling by general aviation aircraft poses difficult problems for law enforcement. Aircraft generally are not restricted by geography; nor are they limited to certain landing areas. They are limited only by the distance they can fly and their navigational capabilities. Because they are relatively fast-moving targets, swift interdiction response after detection is extremely critical. After interception the law enforcement aircraft tracks the target until it lands and can be searched.

The major air smuggling threat is clandestine aircraft that penetrate the border below existing radar coverage or where no radar coverage exists. Smuggling intrusions also occur within radar coverage area by unregistered aircraft conforming to filed flight plans, making discrimination among aircraft nearly impossible.

Customs has taken the following steps in response to the private aircraft smuggling problem:

- Issued operational procedures for private aircraft processing;
- Improved radio communications capabilities of inspectors assigned to designated airports;
- Provided private aircraft search training to inspectors and canine enforcement teams nationally;
- Published regulations requiring air charter and air taxi operators to comply with the special reporting procedures applicable to private aircraft arriving from south of the United States border; and

- Published a Notice of Proposed Rule Making to increase controls over private aircraft by: (a) extending notice of arrival and penetration reporting requirements from 15 minutes to one hour; (b) including flights from Puerto Rico and re-cleared flights from the United States Virgin Islands under the reporting requirements; (c) including flights over international waters which do not land in a foreign country under the requirements; and (d) limiting overflight exemptions to flights conducted under Instrument Flight Rules.

The centerpiece of the Customs air interdiction program consists of a family of self-contained aviation modules that stress flexibility and mobility instead of a large and costly static defense system. Ideally, each module consists of at least two interceptor aircraft, two tracker aircraft, two apprehension aircraft, and two or more support aircraft. Airborne surveillance support for the modules is provided by regularly scheduled DOD flights and Customs P-3 aircraft. The Federal Aviation Administration contributes by providing information on suspicious aircraft to intelligence centers and enforcement agencies, and with radar coverage.

The aviation modules are supported by airborne and land-based radars. The modules are being deployed at eight sites along the southern border and will be periodically redeployed or redistributed to keep the smugglers off balance. The primary focus of the aviation modules is to intercept clandestine air smugglers while augmenting the target sorting systems in Customs command centers.

Sea

Because of marijuana's bulk, smuggling by vessel has been the preferred method of transporting thousands of tons of marijuana each year from the source countries to the United States. In 1984, 84 percent of the volume of marijuana seized by Federal agencies was aboard non-commercial vessels. Lesser amounts of other drugs, such as cocaine and hashish, are also smuggled by sea. In 1984 approximately 11 percent of the cocaine seized came from vessels. In 1985 there was a marked increase in maritime seizures of cocaine, some exceeding 1,000 pounds, which leads to speculation that cocaine smuggling by sea is on the rise. At the same time, there are indications that the percent of marijuana smuggled by sea has decreased as Colombia ships less marijuana and Mexico more.

Latin America and the Caribbean are the primary sources of marijuana and cocaine smuggled into the United States. Smaller volumes, but still significant amounts of marijuana, come from Southeast Asia to the west coast. The typical maritime smuggling venture begins when as much as 50 tons of marijuana are loaded aboard a freighter or fishing vessel in a Latin American or Caribbean source country. These "motherships" proceed generally north across the Caribbean, then through one of the relatively narrow passes of the Antilles. After transiting one of these "choke points," the mothership proceeds to a rendezvous point in the Bahamas or off the United States coast, where its cargo is transferred to a number of smaller "contact boats" which make the final run to shore.

In addition to the traditional mothership to contact boat smuggling method, aircraft are often used to drop marijuana and cocaine to small high-speed boats waiting offshore. Also, cocaine and marijuana are frequently smuggled by aircraft to transshipment points, particularly in the Bahamas, where they are transferred to small boats or other aircraft for the final run into the United States.

The maritime interdiction effort is aimed at two fronts. First, major Coast Guard resources are concentrated in the Caribbean choke points and Bahamas to detect and intercept motherships in the transit zone on the high seas. These traffic lanes are more predictable than any others and the quantities of drugs are large. Offshore patrols along the east coast, in the Gulf of Mexico, and in the Pacific are also conducted. Second, both the Customs and Coast Guard interdict maritime smugglers closer to shore as they approach or enter the United States. An intense at-sea and dockside boarding program is conducted to detect violations of U.S. law, and to serve as a deterrent to maritime smugglers.

The first step in each maritime interdiction is to detect and identify potential smugglers. Coast Guard and Customs aircraft, with support from the DEA, Navy, Army, Marine Corps, and Air Force, fly over aters of interest and pass sighting information to surface units. In addition, both land-based and sea-based aerostats provide target information to surface units. The surface units intercept, board, and search targets of interest.

In October 1982 DEA gave the code name Trampa II to the comprehensive interdiction operations to target the flow of drugs through the Caribbean. This operation continues to provide valuable intelligence to interdiction forces by identifing contraband loading sites in source countries, and identifying smuggling routes, suspect vessels, and aircraft. Since Trampa II was begun, 650 vessels, over 6.5 million pounds of marijuana, and nearly 24,000 pounds of cocaine have been seized.

Special Interdiction Operations

OPERATION HAT TRICK

In November and December 1984, NNBIS coordinated Operation HAT TRICK, a short-term, large-scale interdiction operation designed to disrupt the harvest and shipment of Colombia's large fall marijuana crop. DOD and the Military Services provided communications support, vessels and aircraft for detection and surveillance of both maritime and airborne smugglers, and boarding platforms for Coast Guard Law Enforcement Teams. Customs and Border Patrol increased their enforcement efforts at and between ports of entry in the United States. The intelligence community provided unprecedented support to the entire operation. The Department of State coordinated with key foreign governments, including Colombia, the Netherlands and Honduras, to gain their support during the operation. Colombian officials were placed aboard Coast Guard cutters in the subordinate Operation WAGONWHEEL to facilitate coordination with Colombian enforcement units, which had stepped-up their patrols in support of the operation, as well as to expedite entry into Colombian waters and boardings of Colombian vessels on the high seas. Colombia also increased its in-country eradication and destruction programs during the operation. Other countries in the area made similar contributions.

HAT TRICK forced smugglers to reduce drug shipments, creating large stockpiles that were located and destroyed by Colombian authorities. As a result of this unprecedented level of international and multi-agency interdiction coordination, much of Colombia's fall marijuana crop was eliminated.

OPERATION WAGONWHEEL

In November and December 1984, the Coast Guard conducted Operation WAGONWHEEL, the maritime portion of Operation HAT TRICK. Numerous Coast Guard cutters and Navy ships with Coast Guard boarding teams patrolled the Caribbean in an extensive interdiction operation. The traditional choke points were also covered with a reduced number of cutters. As the operation progressed, the ships and aircraft were deployed close to the territorial sea of Colombia to complement anti-drug operations being carried out by Colombian forces ashore. Colombian officials, empowered to authorize boardings of Colombian vessels on the high seas by American law enforcement officials and to permit entry of American law enforcement vessels into Colombian waters to enforce United States law on American vessels, were assigned to cutters.

During the early phases of WAGONWHEEL, the maritime forces realized a seizure rate that was much higher than usual. When the smugglers became aware of the presence of the interdiction force, however, they stopped moving their illegal cargoes, planning to wait until the operation ended. Marijuana accumulated in the staging and growing areas of Colombia where in-country forces were able to confiscate and destroy major quantities of the drug. Operation WAGONWHEEL resulted in the seizure of 37 vessels carrying 169 tons of marijuana. Another three vessels carrying 28 tons were pursued into Mexican waters where they were seized by Mexican authorities.

OPERATION BLUE LIGHTNING

Operation BLUE LIGHTNING, another major operation coordinated by NNBIS, took place in April 1985 with Customs as the lead agency. BLUE LIGHTNING was a multi-agency operation, coordinated with the Bahamian government, and designed to disrupt the flow of drugs through the Bahamas. Based on intelligence, certain Bahamian islands were targeted as drug stash sites and transshipment points. Coast Guard Cutters and Navy patrol boats with Coast Guard boarding teams sealed off individual islands while sweep teams were flown in to search for and destroy contraband. Bahamian police officials, advised by DEA special agents and transported by U.S. military helicopters, comprised the sweep teams. Along Florida's Atlantic coast, the strategy included coordinated arrival zone operations conducted by 16 State, county and local law enforcement agencies as well as Customs, Military Services, Coast Guard, and National Park Service. As the enforcement pressure in the Bahamas was applied, smugglers were forced to move their drugs immediately in an attempt to elude capture. Pre-positioned enforcement units were ready to intercept.

Over 5,500 pounds of cocaine, 36,000 pounds of marijuana and 26 vessels were seized during the two week operation. Since then a successful follow-up maritime operation entitled Thunderstorm was conducted by Coast Guard and DEA with the excellent cooperation of the government of the Bahamas. Customs has standardized much of the Federal, State, and local operation as the Blue Lightning Strike Force.

The Blue Lightning Strike Force operated from June 28 through September 29, 1985. The Strike Force coordinated multi-agency arrival zone interdiction activities on a 24-hour basis along the Florida coast. The Strike Force targeted contact vessels and aircraft approaching the United States. During the 90-day operation, Strike Force personnel arrested 82 people and seized five aircraft and 32 vessels, resulting in the interdiction of 103,753 pounds of marijuana and 6,710 pounds of cocaine. The success of the Strike Force has led Customs to retain it as a permanent, cooperative effort and to establish the BLUE LIGHTNING Operations Center. This center links various detection, sorting and tracking capabilities - land, marine and airborne - and will function as a multi-agency command and control facility directing participating marine resources. The area of operation will encompass Fort Pierce, Florida, south through the Florida keys, and north across Florida Bay to Marco, Florida.

OPERATION BUCKSTOP

In 1985 Customs initiated Operation Buckstop, designed to intercept the large amounts of drug-related currency shipped to foreign banks and individuals. Buckstop includes the recently developed "currency canine" program, in which canine teams are trained to detect the presence of currency in cargo or baggage. It is a three-pronged effort using targeting procedures to intercept illicit monetary instruments shipped as cargo, transported by commercial aircraft passengers, and transported by private aircraft. Buckstop has resulted in investigations that have revealed the identities of traffickers, their record keeping systems, and their methods of shipping.

OPERATION BAT

Established by DEA in 1982, Operation BAT (for Bahamas and Turks) was designed to disrupt the flow of drugs transiting the Bahamas and the Turks and Caicos Islands en route to the United States. It is a cooperative effort between the DEA and the governments of the Bahamas and the Turks and Caicos Islands. The operation targets islands used by smugglers as refueling stops, stash sites, and transshipment points. Two U.S. Air Force helicopters are used to transport host country enforcement officials to targeted islands to investigate, search, and seize contraband and conveyances. Periodically, DEA and Army helicopters and crews augment the OPBAT unit, particularly for special operations. Operation BAT forces also provide immediate response capability for both maritime and aircraft interdictions.

From March 1983 through December 1985, Operation BAT forces flew 5,800 hours; interdicted 18,103 pounds of cocaine and 360,000 pounds of marijuana; seized 30 vessels, 86 aircraft, and 13 vehicles; and arrested 261 individuals.

Interdiction Statistics

Table III.2. presents the number of drugs and conveyances seized by Customs and Coast Guard from FY 1981 through FY 1985.

Table III.2.

CUSTOMS AND COAST GUARD DRUG INTERDICTION EFFORT
DRUGS AND CONVEYANCES SEIZED, FY 1981 - FY 1985*
(Weight in Pounds)

U.S. CUSTOMS SERVICE

Fiscal Year	Heroin	Cocaine	Marijuana	Hashish	Vessels	Aircraft
1981	234	3,741	5,109,793	17,992	556	272
1982	290	11,150	3,958,871	58,277	500	206
1983	594	19,602	2,732,974	2,210	405	203
1984	655	27,498	3,264,187	42,390	558	157
1985	784	49,297	2,388,502	22,970	570	155
TOTAL	2,557	111,288	17,454,327	143,839	2,589	993

U.S. COAST GUARD

Fiscal Year	Cocaine	Marijuana	Hashish	Vessels
1981	0	3,720,977	0	184
1982	40	3,595,351	34,580	185
1983	55	2,299,825	0	145
1984	1,932	2,857,511	29,962	223
1985	5,890	1,951,511	0	184
TOTAL	7,917	14,425,175	64,542	921

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* Due to differences in accounting methods, numbers in common categories cannot be added to arrive at an aggregate for all Federal agencies.

Some of the achievements of the Federal interdiction effort can be quantified, such as the amount of drugs and conveyances seized, and number of people arrested. Other important contributions are difficult or impossible to measure, such as the deterrent effect of interdiction or its impact on smugglers' profits. Nevertheless, by analyzing the impact of the various elements of the interdiction strategy, one can begin to appreciate its overall effectiveness.

Seizures

Interdiction forces continued to seize large quantities of drugs in 1984 and 1985, including millions of pounds of marijuana and tens of thousands of pounds of cocaine and hashish. However, because trafficking is so dynamic and smugglers so versatile, it is not advisable to attach great significance to either actual numbers or trends, or to treat interdiction in a vacuum. The amount of drugs shipped, source diversification, route variations, and ever-changing smuggling methods have major impacts on interdiction. Higher seizure figures may indeed mean greater interdiction success, or that greater quantities are being shipped. Similarly, though lower seizures could suggest less interdiction success, it could also indicate the value of interdiction as a deterrent. Nevertheless, one trend the figures do strongly support is the huge increase in cocaine availability in the last two years.

Major efforts have been undertaken during the last two years to close established smuggling routes. This was especially true in the maritime program where Operation WAGONWHEEL, under the HAT TRICK umbrella, effectively denied maritime traffickers use of the Caribbean during November and December 1984. During the first month of Operation WAGONWHEEL, the Coast Guard seized 320,000 pounds of marijuana in the Southeastern United States, Caribbean, and Gulf of Mexico. In December, however, the total amount of marijuana seized in the same area dropped to 46,000 pounds, down from over 233,000 pounds the previous December when no special operation was in place. When the traffickers stockpiled their drugs, Colombian forces were able to destroy and confiscate large caches of the fall harvest. The combination of interdiction efforts with source country cooperation resulted in a major disruption to the marijuana trafficking organizations in Colombia that continued into the following year.

During the two major operations in 1984 and 1985, HAT TRICK and BLUE LIGHTNING, the presence of the interdiction forces became almost immediately apparent to smugglers. BLUE LIGHTNING took place in April 1985, and continued pressure was applied in the Bahamas through much of the remainder of fiscal year 1985. The reactions of smuggling organizations to BLUE LIGHTNING and the follow-up interdiction efforts provide some insights into the effectiveness of drug interdiction in 1984 and 1985.

Traditionally, the Bahamas are a transshipment point for drug smugglers, and a significant amount of the illicit drugs entering the United States transits through them. The enforcement pressure from BLUE LIGHTNING and subsequent operations was designed to disrupt this traffic. Interestingly, from January through April 1985, approximately 28 percent of the marijuana seized from vessels by the Coast Guard was interdicted in the Gulf of Mexico, the area north of Puerto Rico, or off the Atlantic and Pacific Coasts. Following the advent of BLUE LIGHTNING, seizures shifted significantly. From May through September 1985, the percentage of marijuana seized in those areas jumped to 57 percent of the total interdicted by the Coast Guard for that period. This suggests that many maritime traffickers were avoiding the Bahamas as a transshipment point, preferring to transfer their cargo at sea in areas which traditionally saw lower levels of smuggling activity. There was no significant increase in enforcement patrol activity in the Gulf, the Atlantic or Pacific, or off Puerto Rico. Also, the longer ocean voyages associated with this shift in trafficking patterns provided more time for law enforcement agencies to detect the smugglers.

Unpredictable strategies and tactics were effectively used during 1984 and 1985 to keep drug smugglers off guard. Smugglers did not anticipate operations HAT TRICK and BLUE LIGHTNING; such extensive operations had rarely been mounted before. Other strategies and tactics were applied throughout the period, albeit on a much smaller scale. Combinations of air and maritime enforcement units successfully interrupted airdrops of contraband by aircraft to fast boats offshore on numerous occasions. Bahamian officials began riding on Coast Guard units and smugglers could no longer seek refuge in Bahamian waters. Enforcement officers' increased efforts and more sophisticated techniques resulted in the detection of more hidden compartments on conveyances.

Smugglers are shipping smaller loads of marijuana, many in hidden compartments, as a result of interdiction efforts. In 1981 and 1982, the average marijuana load seized on a vessel interdicted by the Coast Guard was 19,000 pounds. By 1984 the average load was down to 12,500 pounds, and in 1985, it was further reduced to just over 10,000 pounds. Customs Service figures show a similar decline in the average amount of marijuana seized per interdiction. The reduction in the average marijuana seizure amount was not the result of changing areas of emphasis on the part of enforcement, since both the Customs Service and the Coast Guard continued to concentrate their efforts on interdicting bulk shipments of drugs throughout the entire period. Smugglers are shipping smaller loads of marijuana, often trying to conceal it in hidden compartments or among legitimate cargo. This translates into increased shipment and logistics costs for smuggling organizations.

In contrast to the marijuana situation, record amounts of cocaine have been seized each year since 1981, and the average amount per seizure has increased. At the same time, however, the amount of cocaine available in the United States grew from 40 - 65 metric tons in 1982 to 71 - 137 metric tons in 1984. The estimated amount of cocaine consumed in the United States increased from 33 - 60 metric tons in 1981 to 55 - 76 metric tons in 1984. Furthermore, the apparent ability of trafficking organizations to absorb the losses associated with large seizures underscores the magnitude of the cocaine interdiction problem. These increased seizures reflect both more effective law enforcement and the greater quantities of cocaine being smuggled.

Conclusion

Until the demand for illicit drugs in the United States is eliminated, or the supply of drugs at their source is removed, drug smuggling will continue. As long as drug smuggling continues, so must the Federal resolve to stem the flow. Interdiction, a highly visible portion of the Federal drug law enforcement program, graphically demonstrates at home and abroad the government's determination to combat the drug problem. It pressures smugglers and deters others from becoming involved.

The Federal drug interdiction program made significant strides in 1984 and 1985. The advent of large-scale international and multi-agency interdiction operations fostered cooperation between the United States and key foreign governments in combating a mutual enemy. These operations disrupted drug trafficking, and the unprecedented international cooperation in interdiction efforts sent a clear message to drug traffickers that they would be opposed on many fronts.

The value of NNBIS as a coordinating body in planning and executing large-scale, complex operations was clearly demonstrated in 1984 and 1985. The exceptional level of interagency support, cooperation, and dedication in the last two years resulted in considerable successes.

The continuous, concerted effort to attack marijuana smuggling, a key element of the drug smuggling problem, has had considerable impact. Decreases in the amounts of marijuana seized and other indicators show that interdiction efforts have made it more difficult for the marijuana smuggler to conduct his business. The ability of interdiction forces to essentially bottle up Colombia's 1984 fall marijuana crop, allowing in-country forces to confiscate or destroy it, was probably the most noteworthy success in interdiction in recent years. Continued interdiction efforts, coupled with strong eradication and in-country removal programs, are necessary to maintain the offensive against the supply of foreign marijuana destined for the United States. At the same time, enforcement agencies must be alert to the emergence of new foreign sources and be prepared to meet developing threats.

Compared with marijuana, the high value, low volume nature of cocaine often makes interdiction difficult. Small quantities, worth staggering amounts of money, are easily secreted within conveyances in ways that can escape detection. Recently however, there has been an alarming increase in bulk maritime shipment of cocaine, sometimes exceeding 2,000 pounds in a single load. As with marijuana, these bulk shipments are being targeted at sea, before arrival in coastal areas where interdiction becomes more difficult. In addition to actual seizures, targeting bulk shipments in transit will drive up the smugglers' cost of doing business, forcing them to ship smaller loads and making them shift to more vulnerable routes and methods of cocaine smuggling.

Interdiction is a vital component of the Federal drug law enforcement effort. It is a dynamic program, which must react to new and constantly shifting threats. Because the enemy is a resourceful adversary that constantly seeks ways to avoid detection in order to protect profitability, interdiction must remain flexible in order to be equal to the challenge.

INTERNATIONAL DRUG CONTROL

Destroying drugs at their source is an integral part of America's anti-drug strategy. The United States recognizes that it cannot do this job alone, from either the political or resource perspective. Thus, international control efforts play a key role in breaking the grower-to-user chains that stretch across six continents. These efforts include source country crop control, international drug law enforcement, and drug abuse prevention and education programs. Since 1981 the United States has conducted an aggressive campaign balanced between diplomatic initiatives to secure miltilateral cooperation and bilateral efforts to ensure achievement of critical U.S. program objectives in key source countries.

In 1985 the United States government set forth and then accomplished a series of significant objectives for its international drug crop eradication and interdiction program. The broad objectives were to expand the program base, with a priority on increasing both the number of countries eradicating crops and the scope of eradication and enforcement operations, and to internationalize the response to the problem by encouraging greater participation by other countries and international organizations.

The strategy to reduce international drug production and trafficking is necessarily long-term. The United States gives high priority to yearly campaigns that demonstrably advance the major components of the strategy, especially crop control. The record shows that 1985 was a very productive year for program expansion and internationalization.

A new international climate for drug control, created by changes in the perceptions of both drug source countries and consumer countries, permitted a strong expansion of this program in 1985 and gives good promise for stronger gains in 1986.

Perhaps the most profound change has been the realization by other governments that drug trafficking is a threat to their national security and their economic and social well-being, and the fact that drug abuse has become a major problem in many countries whose leaders once thought that they were immune to the problem of drug abuse. These realizations have spurred efforts for more cooperative multilateral enforcement and demand reduction programs, thus broadening the base for international cooperation.

Diplomatically, the global perspective of the priority that should be given to drug control was measurably improved at the economic summit in May, 1985, when President Reagan and the heads of government of Canada, the Federal Republic of Germany, France, Italy, Japan, and the United Kingdom declared their collective concern for the need to improve both demand and supply reduction programs. Following approval of a report by drug experts from the seven nations, the heads of government are expected to address the issues further during the next economic summit in Japan in 1986. There was considerable diplomatic activity through the United Nations, including planning for a 1987 world conference on drugs and a new international convention on drug trafficking. Prevention efforts also received a strong global boost through the "mother-to-mother" conferences which First Lady Nancy Reagan hosted in April and October 1985 for First Ladies from around the world.

In 1985 drug eradication programs were conducted in 14 countries, compared with just two in 1981. The Department of State's Bureau of International Narcotics Matters (INM), working closely with the Drug Enforcement Administration, provided the equipment and technical assistance to improve enforcement efforts in these and other countries. In several countries, INM and the Agency for International Development (AID) collaborated on assistance programs linked to crop reduction. Public awareness programs sponsored by INM, AID, and the United States Information Agency (USIA) significantly enhanced these control initiatives.

These programs have contributed to the realization that drug abuse is a problem common to many nations.

However, drug production remains high. Illicit drug cultivation continues to exceed demand, with the amounts needed to supply the U.S. illicit market often representing only a part of the total production. Drug abuse is spreading in many producing and trafficking countries, and in some areas, trafficking groups are so powerful that they challenge the government for control and pose a national security threat.

Drug-related violence increased in 1985, and many lives again were lost as a result of such violence.

In sum, then, the record of 1985 is that the United States made significant progress toward that time when drug availability in the United States will be substantially reduced by having effective programs operating simultaneously in enough foreign countries. That goal has not yet been achieved, but progress is being made. The important improvements in the program in 1984 and 1985, and the programs already being implemented in 1986, promise further significant gains.

Crop Control

Cannabis

As a result of increased commitments to cannabis control in several source countries, particularly through aerial herbicidal eradication, 1985 was the most effective year to date in reducing cannabis cultivation in countries that supply the U.S. market.

Colombia. Colombia, the principal source of marijuana imports into the United States in recent years, achieved a dramatic 67 percent reduction in cannabis production in 1985 through effective eradication efforts. After extensive testing of glyphosate against cannabis in mid-1984, the government undertook a comprehensive aerial eradication program along the north coast in 1985. A 1985 aerial survey, conducted under INM's auspices, showed that cultivation was 85 percent below 1983 levels in the key north coast growing regions. It is anticipated that this production decrease will be sustained in 1986.

Jamaica. In 1985 the government of Jamaica took a strong public stand against the cultivation and trafficking of marijuana, and made significant strides in combating them. Prime Minister Seaga stated the objective of eliminating the export of marijuana through eradicating crops and severing transportation links. Through a more extensive manual eradication program against cannabis, confirmed by U.S.-Jamaican aerial photographic surveys, 955 hectares of cannabis were eradicated in 1985, compared with 260 in 1984. Net yield was reduced from 1,565 metric tons in 1984 to 950 metric tons in 1985.

Panama. Aerial reconnaissance in September showed that 400 to 500 hectares of cannabis were being cultivated in different parts of Panama, making that country an important new producer of marijuana. In response, Panama undertook its first aerial eradication of cannabis in September 1985, using glyphosate to destroy 210 hectares. The United States assisted in this spray campaign, which is scheduled to resume in January 1986.

Belize. The government of Belize agreed in late 1985 to the test spraying of glyphosate on cannabis in a northern area that has been a primary marijuana source. An estimated 42 percent of the crop was sprayed in a U.S.-assisted effort, which brought the total of hectares eradicated to 512 in 1985, up from 84 hectares in 1984. Estimated marijuana exports to the United States decreased by 39 percent in 1985. Aerial spraying is scheduled to continue in February 1986.

Mexico. The focus in 1985 was upon rejuvenating the once highly effective Mexican eradication campaign. Cannabis available for export increased in 1984 to about 2500-3000 metric tons. Mexican cannabis cultivation is believed to have increased again in 1985, to 2,500 to 3,500 metric tons, as a result of program inefficiencies and corruption.

Thailand. Cannabis cultivation in Thailand increased substantially during 1984 and 1985. The Border Patrol Police and the Provincial Police mounted a major manual eradication program resulting in the eradication of more than 160 hectares of marijuana.

Table IV.1.

CANNABIS ERADICATION
(hectares, except Brazil)

Country	1982	1983	1984	1985
Belize	-	593	84	512
Brazil	-	1,037MT*	2,651MT*	1,375MT*
Colombia	857	1,048	4,000	6,000
Costa Rica	0	1	34	45
Mexico	-	-	3,600	2,945
Panama	0	0	0	210
Venezeula	0	20	3,000	-
Jamaica	220	350	260	955
Thailand	115	47.5	139	160

* MT = Metric Ton.
Source: International Narcotics Control Strategy Report, for the years 1982-1986.

Coca

In contrast to the progress made against cannabis production, coca eradication results have been modest. While Peru, Ecuador, Colombia, and Brazil began manual eradication programs in 1984 or earlier, Bolivia began initial coca eradication only as 1985 ended. Bolivia and Peru remain the world's principal sources of coca leaf supporting the cocaine trade. However, a May 1985 decree provided a broad mandate to restrict the production and trafficking of illegal coca in Bolivia. In addition, the firm commitment and more effective leadership of the new Bolivian government under President Paz improves the prospects for more extensive coca eradication in Bolivia in 1986. An incentive for Peru and Bolivia to cooperate in U.S.-supported eradication programs has been the agricultural development programs funded by AID that are linked to coca eradication. The United Nations Fund for Drug Abuse Control (UNFDAC) is also supporting coca control-related programs in Peru and Bolivia.

Colombia. Colombia, with U.S. support, has taken the lead in testing herbicides for use in the aerial eradication of coca plants. Tests during 1984 and 1985 identified a herbicide which has been effective in killing coca plants when sprayed intensively from backpacks, but the effectiveness of aerial application is still being assessed in tests that were continuing at year's end. The government of Colombia also carried out a manual coca eradication program which destroyed 2,400 hectares in 1984 and 2,000 hectares in 1985. A joint manual eradication program was carried out with Ecuador along their common border in mid-1985 and a cross-border interdiction campaign was conducted with Peru.

Peru. A coca eradication program was begun in Peru in April 1983 following assistance agreements with both the Department of State and AID. The program resulted in the destruction of 703 hectares that year, 3,134 hectares in 1984, and 4,823 hectares in 1985, despite a precarious security situation. Dozens of eradication workers have been killed, and scores more threatened with violence.

Ecuador. In Ecuador, where significant coca cultivation was discovered in late 1983, the government eradicated 114 hectares in 1984 and 464 hectares in 1985, with operational support supplied by the United States. Fifty-seven cocaine laboratories were destroyed in 1985, compared with 27 in 1984. Seizures of cocaine increased substantially, from 80 kilograms in 1984 to 1,000 kilograms in 1985.

Brazil. In Brazil extensive coca cultivation is a recent phenomenon in the Amazon region while marijuana cultivation is fairly widespread in that country. The government initiated coca eradication operations in 1984, with operational support provided by the United States.

Table IV.2.

COCA ERADICATION
(hectares)

Country	1982	1983	1984	1985
Bolivia	0	0	0	30
Colombia	1,970	1,981	2,400	2,000
Ecuador	--	--	114	464
Peru	0	703	3,134	4,823

Source: International Narcotics Control Strategy Report, for the years 1982-86.

Opium

Efforts to reduce the amount of opium poppy harvested during 1984-1985 were encouraging, particularly in Asia.

Burma. In Burma 9,551 hectares of opium poppy were eradicated in 1985, the highest annual destruction since 1974. Following completion of testing of aerial eradication techniques in 1984 and expanded tests in 1985, an aerial eradication program is expected to be initiated in 1986. Burma remains the location for most Golden Triangle heroin refining.

Thailand. In Thailand, the government's goal is to eliminate most of the country's opium cultivation in the shortest time possible. Despite a small increase in the area planted during the 1984-85 season, net opium production fell from 40.6 metric tons to 35.7 metric tons. Although eradication was once limited, the government now favors a more sustained and extended military and civilian program to eradicate further production. By the end of 1985, the government of Thailand had eradicated 517 hectares out of 9,654 under cultivation.

Pakistan. Although the government of Pakistan is extending its ban on opium cultivation into additional areas of the Northwest Frontier Province, the country remains both an important producer of opium and a major processor/exporter of morphine base and refined heroin. Opium cultivation decreased from 1,878 hectares in 1984-85 to 1,562 hectares in 1985-86, partly as a result of a shortage of rainfall.

International donors have agreed to fund Pakistan's new Special Development and Enforcement Plan (SDEP). SDEP will extend the ban on opium cultivation and will be carried out under the auspices of the United Nations Fund for Drug Abuse Control (UNFDAC). Pakistan and UNFDAC signed a project agreement in June 1985 under which $14.5 million will be spent on a five-year program for the Dir District. Donations since June have brought the total pledged to SDEP to $23.5 million. Major contributors include the United States, the United Kingdom, the Federal Republic of Germany, Italy, and Canada.

Mexico. In Mexico, opium production is estimated to have increased in both 1984 and 1985 because of eradication program inefficiencies and corruption, although estimates of both cultivation and eradication are imprecise. The estimated net opium production figure of 21 metric tons for 1984 was expanded in 1985 to 21-45 metric tons. Recent agreement with Mexico to initiate a more systematic program to verify eradication and to undertake photographic surveys of opium cultivation beginning in 1986 should soon make more precise data available and improve eradication efforts.

Table IV.3.

OPIUM ERADICATION
(hectares)

Country	1982	1983	1984	1985
Burma	4,454	3,213	4,500	9,551
Thailand	56	--	175	517
Pakistan	82	210	70	90
Mexico	--	2,472	3,200	2,750

Source: International Narcotics Control Strategy Report, for the years 1982-86.

New Aircraft and Surveys

The introduction of the Thrush aircraft with its improved spray boom represents a significant technological improvement in U.S.-supported aerial eradication programs, which heretofore primarily used rotary wing aircraft. Use of the turbo Thrush fixed wing spray aircraft in the eradication programs in Burma, Mexico, Colombia, and elsewhere should improve the effectiveness of aerial eradication in these countries. The Thrush was tested in Burma in 1984 and in Colombia and Mexico in 1985. An aerial eradication program in Burma was initiated in November 1985 with three new Thrush-65's; nine Burmese pilots were trained in the United States and three Bureau of International Narcotics Matters (INM) pilot instructors assisted the program in-country. Aerial spraying of cannabis by the Thrush was carried out in Panama and Belize in late 1985. Two new Thrush-65's will be provided to Burma during 1986. The Thrush eventually may be used for aerial eradication of coca in 1986.

Crop control has been greatly assisted by aerial photographic surveys of drug crops in major source countries. Aerial photography using U.S.-provided equipment and/or technical assistance was conducted in 1984 in Thailand, Burma, Jamaica, Bolivia, and Peru, resulting in improved crop estimates. In 1985 similar surveys were conducted in Peru, Colombia, Jamaica, Pakistan, and Thailand, and agreement was reached on a Mexican survey that began in February 1986. These surveys are designed to meet three objectives: improve crop production estimates, provide tactical maps and monitoring systems to guide better managed crop eradication efforts, and provide data that can guide development assistance programs.

Enforcement

The Bureau of International Narcotics Matters (INM), DEA, and the U.S. Customs Service have worked closely with law enforcement agencies in key source and transit countries, providing training, supplies, operational and technical support, intelligence exchange, and investigative cooperation. As a result, foreign law enforcement agencies have become more effective in conducting operations which have led to significant seizures of drugs and arrests of traffickers. Still, much remains to be done to transform local enforcement into a significant deterrent to international drug trafficking.

Asia

Thailand. While Thailand remains the major transit country in the Golden Triangle, refining and production of opium into morphine and heroin have been nearly eliminated inside Thai territory. Improved law enforcement, supported by the United States, has resulted in increased arrests and seizures with greater emphasis being placed on the disruption of major trafficking organizations. This is particularly true along the Thai-Burmese border, where the Royal Thai Army has continued operations against the Shan United Army, the main trafficking organization.

Burma. In Burma U.S. assistance has risen above $5 million annually to support military and police enforcement efforts. This has included funding for the maintenance of aircraft supplied earlier and now used in the military's annual "Mohein" operations against drug caravans, heroin refineries, units of the Shan United Army, the Burmese Communist Party, and other insurgent groups involved in drug trafficking. In FY 1985 the United States provided support to the People's Police Force for the first time under a new project agreement which should improve Burmese enforcement capabilities significantly.

India. The government of India has begun to face the threat posed by increasing transhipments of heroin from Pakistan and Burma and shipments of precursor chemicals to heroin laboratories in the Golden Triangle. The government is moving to institute new drug enforcement policies and programs, and plans to strengthen its drug control laws.

Pakistan. Despite declining opium production, Pakistan remains a major producer of heroin exported to the United States, processed in part from opium smuggled from Afghanistan. Authorities destroyed three significant heroin laboratories in the Khyber Agency of the Northwest Frontier Province in 1984 and six more during the first six months of 1985. Another 27 laboratories were surrendered in the Khyber Agency during 1985.

U.S. assistance to improve Pakistani enforcement capabilities has been channeled to support Joint Narcotics Task Force (JNTF) units made up of local law enforcement agencies, and toward the establishment of new special customs drug enforcement cells in eight principal cities around the country. DEA advisors were assigned to Pakistan in 1985 to work exclusively with the JNTF, the first arrangement of its kind in any country.

The United States reviews bilateral cooperation on drug control regularly with the government of Pakistan through the bilateral Narcotics Working Group, established in 1983 under the U.S.-Pakistan Joint Commission. The Working Group met most recently in Islamabad in November 1985.

Turkey. In Turkey rigorous controls on poppy cultivation and opium production instituted in 1985 continued to be effective, but because of its geography, Turkey remains an important transit country for morphine base and heroin smuggled from the Near East to Europe and the United States. An estimated three to four tons of morphine base and heroin are transported out of the country each year.

Conversion of morphine base and opium gum continues in eastern Turkey, but the amount refined there is unknown. Two heroin laboratories were destroyed in 1984 and four in 1985. The Turkish National Police, the principal drug enforcement agency, now has drug units in all of Turkey's 67 provinces. Its Narcotics Enforcement Division is working intensively to improve training and to better equip its narcotics units, with support from the United States. The Jandarma, which polices remote border areas, is also involved in a program to expand personnel and upgrade equipment and training, again with U.S. assistance.

Latin America

Colombia. In Colombia the government assigns drug enforcement a top priority. Colombian forces seized 22 metric tons of cocaine in 1984 and ten metric tons in 1985. The government extradited 12 defendants to the United States and other extradition requests are under review. One American was extradited to Colombia in June. Increased Colombian enforcement efforts resulted in the capture of the notorious Juan Ramon Matta Ballesteros; police continue to hunt for other major traffickers.

In early 1985 the Defense Ministry launched a large, combined-forces sweep of northern drug producing and trafficking areas, targeting traffickers, their properties, boats and aircraft, laboratories, and airstrips. Scores of clandestine airstrips were destroyed by cratering; another 22 airstrips were destroyed in the Amazon area in May. The destruction of cocaine laboratories increased from 275 in 1984 to 725 in 1985. These actions followed a decision in 1984 by the National Council on Dangerous Drugs to ground aircraft suspected of links to drug traffickers, which had resulted in the revocation of 150 operating licenses by the end of that year. All of these efforts add up to an impressive record in improved enforcement by Colombia during 1984-1985. Nevertheless, this improved performance has occurred chiefly in the area of interdiction, not prosecution. Unfortunately, very few major Colombian traffickers of international stature have been prosecuted for drug-related crimes in Colombia. Furthermore, while the government of Colombia has publicly acknowledged that some lawyers in Colombia are knowingly receiving drug money for performing facilitating services for traffickers, there have been no prosecutions yet based on this corrupt activity.

In July 1984 Nicaraguan official Frederico Vaughan, an assistant to the Interior Minister, and two Colombians were charged in U.S. District Court in Miami with possession, conspiracy to distribute, and importation of cocaine. Between March and July 1984, these men allegedly conspired to smuggle a shipment of approximately 1,500 kilograms of cocaine from Colombia to the United States through Nicaragua.

Peru. In 1984 Peru's Guardia Civil had a solid record of seizures and the destruction of 41 clandestine airstrips in the principal trafficking area of the Upper Huallaga Valley. However, the outbreak of terrorism at mid-year changed the situation considerably. The area was designated an emergency zone under Army control, which limited the Guardia Civil's anti-drug role. The performance of Peru's law enforcement agencies was unimpressive during the first half of 1985 as the Belaunde administration finished its term. With the inauguration of President Alan Garcia in mid-1985, top priority was given to replacing corrupt officials in the law enforcement agencies and to new offensives against drug traffickers.

Despite continued violent opposition, Peru and Colombia conducted a highly successful joint effort, known as Operation Condor, against a major processing and trafficking complex near the common border in northeast Peru in mid-August. Peru continued the Condor operation and other enforcement efforts and, by year's end, seized 73 tons of coca leaf and 17 tons of cocaine paste, and destroyed 50 cocaine laboratories and 69 airstrips. In the area of prosecutions, Peruvian authorities arrested major Peruvian cocaine traffickers, including Reynaldo Rodriguez-Lopez, who was arrested after a cocaine processing laboratory located in his residence in Lima exploded. The follow-up investigation has thus far led to the seizure in Peru of over 100 buildings and businesses associated with Rodriguez-Lopez' trafficking activities.

Bolivia. Bolivia has finally begun to create an enforcement record. Three different enforcement units, created under the National Police and funded by project agreements between the United States and Bolivia in August 1983, became operational during 1984. An elite 30-man police group devoted to investigation and apprehension of major narcotics violators, and a 200-man mobile rural patrol unit (UMOPAR) operated against major cocaine processing centers in the Beni and Chapare areas in 1984 and 1985. Assisted by the Bolivian Air Force, these units seized over one ton of cocaine base and hydrochloride, several airplanes, and numerous laboratories, including what is believed to be the main processing facility of Bolivia's most notorious trafficker.

Numerous control efforts were begun in 1985, building on the mid-1984 action to move the Bolivian military into the field to re-establish government control over the Chapare coca growing region, the major area for coca production, where illegal activities were flourishing. In February 1985 a 260-man Specialized Rural Police (PRE) force entered the Chapare region, while the UMOPAR strike force was deployed to the nearby Valle Alto coca paste manufacturing and trafficking region of the Cochabamba Department. In April, the PRE, UMOPAR, and the National Police together seized over three tons of cocaine. In early June UMOPAR made an impressive strike against traffickers in the northwest Chapare resulting in the deaths of two traffickers, the seizure of coca paste, and numerous arrests. In July UMOPAR troops used information provided by DEA to complete a major enforcement operation in the Department of Beni. Ten persons were arrested and 200 kilograms of cocaine, six 55 gallon drums of ether, and laboratory equipment were seized. Finally, in November 1985 UMOPAR returned to the Chapare to support the commencement of the voluntary eradication effort, and immediately located and dismantled the largest coca paste refinery yet discovered in Bolivia.

A new decree law in May improved Bolivian law enforcement by giving the government a broad mandate to restrict the production and marketing of illegal coca, and increasing criminal penalties for manufacturing and trafficking drugs. In August Victor Paz Estenssoro assumed the Presidency, pledging forceful action against drug trafficking through an energetic enforcement program. Legislation was introduced at year's end to create a national ministry on drugs and to strengthen enforcement laws.

Brazil. In Brazil drug trafficking is recognized as an increasingly serious problem One major effort to combat this problem, known as Operation Eccentric and partly funded by the United States, crowned a nine-month investigation. Simultaneous police raids against cocaine traffickers in six states in February 1985 netted scores of arrests and seizures of large quantities of ether and acetone, aircraft, and documentary evidence. The arrests included major Colombian, Brazilian, and Peruvian criminal figures. President Sarney has named key officials dedicated to the anti-drug effort to top positions in the Justice Ministry, the Federal Police, and the Federal Drug Council. In June the Sao Paulo unit of the Federal Police seized 130 kilograms of pure cocaine valued at $3.5 million U.S. dollars in the interior city of Barretos, one of the largest cocaine seizures in Brazilian history. Five people were arrested, including a Bolivian identified as one of South America's most wanted traffickers. The chemical control unit of the Federal Police actively monitors the sale and distribution of ether and acetone.

Venezuela. Venezuelan President Lusinchi signed a decree in December 1984 controlling the importation of precursor chemicals. Since then the Ministry of Justice, the National Guard, and the Judicial Police have seized approximately one million gallons of ether and acetone throughout Venezuela, arresting approximately 75 persons involved. The government seized significant amounts of cocaine in both 1984 and 1985. In April 1985 the National Guard immobilized a marijuana trafficking organization which was operating in Colombia, Venezuela and southern Florida, and seized 12.5 tons of marijuana.

Mexico. In Mexico the kidnapping and murder of DEA agent Enrique Camarena in February 1985 marked a turning point in U.S.-Mexican relations on drugs. The ensuing investigation exposed many weaknesses in the Mexican enforcement system. As a result the Mexican government has initiated major changes in its enforcement and security forces, as well as high-level personnel changes within the Attorney General's office. Among those arrested in connection with the Camarena investigation were major Mexican traffickers Rafael Caro-Quintero, Ernesto Fonseca and Jose Contreras-Subias (who later escaped). Another major trafficker, Jaime Herrera-Herrera, was recently arrested in Mexico City. The Herrera organization in Durango has long been prominent in heroin trafficking.

Mexican enforcement remains a critical concern. In late 1984 Mexican enforcement units operating in the State of Chihuahua seized an estimated 10,000 tons of unprocessed cannabis and broke up a major marijuana processing and transportation center. The amount of cannabis found and destroyed would have yielded between 1,900 and 2,400 metric tons of manicured marijuana, the largest seizure ever recorded. While marijuana production was in the range of 2,500-3,500 metric tons in 1985, only 173 tons were seized in that year. Although opium production apparently increased, opium and heroin seizures were negligible.

Jamaica. Until January 1985 the government of Jamaica focused its enforcement strategy on measures to impede aerial drug trafficking. The Civil Aviation Act, passed in October 1984, significantly increased penalties for the illegal use of air space and for unauthorized landings and take offs. The government continued efforts begun in December 1983 to destroy illegal airstrips using Jamaican Defense Force (JDF) engineers. The JDF destroyed 31 illegal airstrips in the 1985 campaign, although the traffickers were quick to rebuild many of the strips. Nevertheless, the destruction of illegal airstrips and the use of JDF soldiers since February 1985 to operate the four domestic airfields have curtailed the traditional means of exporting much of Jamaica's marijuana. This has caused the traffickers to turn increasingly to use of the international airports and maritime shipping routes.

Enforcement actions in Jamaica during 1985 resulted in several large seizures of marijuana (a total of 80 tons for the year), one of cocaine, and put two groups of major traffickers in jail. A joint command structure headed by the JDF Chief of Staff was recently established to coordinate the drug enforcement and eradication efforts of the JDF and the Jamaica Constabulary Force (JCF). The government of Jamaica has also worked closely with U.S. Customs to identify ways in which the international airports and the national airline, Air Jamaica, can improve their security practices.

Panama. Panama's performance during 1984 in the interdiction of drug shipments in transit to the United States and chemical shipments enroute to drug processors in South America was impressive. In April a large cocaine laboratory was found and destroyed in the Darien area. In May cooperation by

Panamanian and DEA enforcement personnel led to the seizure in Miami of a Panamanian aircraft carrying 2,000 pounds of cocaine. In June two large shipments of ether were intercepted while passing through Panama, and a high ranking officer in the Fuerzas de Defensa de Panama (FDP) was arrested and fired in connection with the case. In March 1985 Panamanian officials seized the First Inter-Americas Bank, through which a Colombian trafficker allegedly laundered his drug proceeds. This case represents the first effort of the government of Panama to move against a major money laundering operation.

Bahamas. In the Bahamas cocaine seizures made by Operation BAT (Bahamas and Turks and Caicos) teams under the joint U.S.-Bahamas Interdiction program quadrupled from 2,000 pounds in 1983 to 8,000 pounds in 1984, and remained at that level in 1985. A new DEA helicopter augmented the Operation BAT strike force in 1985. The installation of the tethered aerostat radar balloon at High Rock on Grand Bahamas Island, agreed to in 1984, will be linked to a regional U.S. Customs network. This radar balloon, along with improved Bahamian radio communications that the Department of State is funding, will enhance Operation BAT operations as well as U.S. interdiction activities. Testing for contract acceptance of the aerostat began in mid-1985. Operation BLUE LIGHTNING, discussed in the previous chapter, was a significant U.S.-Bahamian drug interdiction effort conducted in April 1985.

Other innovations with the government of the Bahamas in 1985 included a joint U.S.-Bahamian command post and embarking Bahamian Defense Force officers aboard U.S. Coast Guard vessels. On March 13 the government permitted the Coast Guard to search and seize in international waters the Bahamian-flag vessel "Andro," which was found to have 15 tons of marijuana. In a June trial, the Bahamian operator was convicted and the ship forfeited. In July the Defense Force made a major seizure: 1,500 pounds of cocaine on a Bahamian vessel near Nassau. Negotiation of a mutual legal assistance treaty between the United States and the Bahamas, designed to facilitate reciprocal prosecution of violators of U.S. and Bahamian law, including drug traffickers, was completed during 1985.

Regional Cooperation on Enforcement. Regional cooperation on enforcement among Colombia, Brazil, Ecuador, and Peru in the area of their common borders has developed recently. Colombia provided intelligence which contributed to the success of Brazil's Operation Eccentric and the arrest of major traffickers, including Colombians, in early 1985. Ecuador and Colombia collaborated in the first bi-national coca eradication operation in Latin America in mid-1985, destroying 190 hectares of coca and 39 cocaine paste laboratories along Ecuador's northern border. In mid-1985 Peru and Colombia together carried out Operation Condor in which a major cocaine processing and trafficking complex was seized in northeast Peru. Colombia has taken the lead in developing a regional communication system linking Ecuador, Peru, Colombia, and eventually Bolivia to facilitate improved dissemination and use of tactical intelligence in drug enforcement. The system, funded by INM, will become operational in early 1986.

Another example of regional cooperation on enforcement that occurred in the Caribbean in 1984 and 1985 was the operation known as HAT TRICK I, described in detail in Chapter III. U.S. enforcement agencies and military services collaborated with counterparts from Colombia, Panama, Venezuela, Jamaica, the Dominican Republic, the Bahamas, the United Kingdom, and the Netherlands to carry out a concerted sea, air, and land interdiction effort over an appreciable period of time. Special enforcement Operation Chem Con is described below.

OPERATION CHEM CON

Operation Chem Con began in December of 1983 as a result of an intelligence study of the worldwide movements of ethyl ether and other essential precursors used in the production of cocaine hydrochloride. The basic objective of this operation is to disrupt cocaine hydrochloride conversion on a worldwide basis.

During the two-year intelligence project known as Operation Steeple, which preceded Operation Chem Con, DEA worked with foreign law enforcement authorities to identify the major sources of ethyl ether and several other important precursor chemicals. At that time most of the conversion from paste to hydrochloride was occurring at clandestine laboratories in Colombia, often in extremely remote locations. Two principal strategies were developed to meet the operation's goal. The first was to identify suspect shipments of precursors in international commerce and track them with sophisticated electronic devices to the clandestine laboratories, thereby locating the laboratory and making possible follow-up law enforcement action. The second strategy was to arrange the voluntary restriction of sales of selected precursor chemicals by manufacturers and brokers to suspect buyers. This strategy led to the additional step of promoting laws in affected countries to control commerce in precursor chemicals.

During Operation Steeple, DEA determined that although 12,000 metric tons of ether were imported into Colombia in one year, less than five percent of that quantity was needed for legitimate industrial use. In December 1982 Colombia passed a law that requires permits to import ether and other precursors. Since then the legitimate importation of ether into Colombia has become much more consistent with legitimate industrial needs.

At the same time, DEA initiated an extensive liaison effort with major manufacturers and brokers throughout western Europe, the United States, Brazil, and Mexico. As a result numerous suspect orders and shipments of large quantities of ether and other precursor chemicals have been identified, leading to the seizure of approximately 16,000 barrels of ether and 5,000 barrels of acetone in 1984 alone. These seizures were effected in the United States using the forfeiture provisions of the Controlled Substances Act in Title 21, United States Code. Seizures were also made in a number of other countries including Panama, Costa Rica, Paraguay, Colombia, Ecuador, and Brazil.

Selected shipments were identified for electronic tracking. One such shipment resulted in an unprecedented success. In December 1983, a cooperating manufacturer advised DEA of a highly suspect order. Although the company had declined the order, it provided DEA with sufficient information to initiate an undercover approach using a DEA storefront in Chicago. DEA undercover agents contacted a Colombian suspect and negotiated with him for the delivery of 1,300 55-gallon barrels of ether.

Initially, 76 55-gallon drums of ether were shipped to Barranquilla, Colombia with electronic tracking devices attached. Subsequently, another, larger shipment was made to the suspect.

The original shipment of 76 drums was followed via the tracking devices to a ranch owned by the infamous Colombian trafficking family headed by Jorge and Fabio Ochoa in the Department of Atlantico, Colombia. The shipment was subsequently tracked to another location in the eastern plains (Llanos) of Colombia. The second location turned out to be an airstrip in an extremely remote location in the jungles of the Llanos. As a result of the DEA tracking and subsequent aerial intelligence regarding the jungle site, on March 10, 1984, the Colombian National Police raided a complex of laboratories, undoubtedly the largest ever discovered. This complex, known as Tranquilandia, was located in the Department of Caqueta near the Yari River and was accessible only by air. The Colombian National Police found a veritable company town complete with a stockpile of food supplies for several weeks, generators, barracks for about 100 workers, and most of the amenities of modern living. Police were met with sporadic armed resistance. Although they arrested 36 people, many more individuals escaped via the river. Most of those arrested were laborers and low-level supervisors.

After the initial raid, an additional five airstrips and a number of other hydrochloride laboratories were identified, all within an area approximately 30 miles in diameter. The total cost of building this complex is estimated at $4-5 million. Over 10,000 kilograms of cocaine hydrochloride and cocaine base were destroyed, along with 10,800 barrels of precursor chemicals, seven aircraft, and a stockpile of weapons and ammunition. Some of the seized weapons and uniforms linked Colombian anti-government guerillas with the complex.

Partly as a result of Operation Chem Con, Colombian traffickers are beginning to shift cocaine hydrochloride laboratories to the United States where they have easier access to ether and other organic solvents. The following cocaine laboratory seizures in the United States suggest this trend: 1981, 5; 1982, 6; 1983, 11; 1984, 21; 1985 (through 11/15/85), 31. DEA has responded to the trend with an increased emphasis in Operation Chem Con initiatives in the United States.

Regional Cooperation on Drug Control

Regional cooperation on drug control is increasing in many areas. The growing regional response to the drug challenge has perhaps been the most dramatic in Latin America.

The growing threat posed to regional political and social well-being by illicit drugs was dramatically acknowledged by Latin American chiefs of state at the Presidential inauguration in Ecuador in August 1984. The resultant "Spirit of Quito" was translated into resolutions passed at the Organization of American States General Assembly in Brazilia in November 1984. It called for a special Inter-American Conference on drugs, now planned for 1986. Meanwhile, several Latin American countries have been cooperating on enforcement actions, as discussed above, and on joint efforts to increase official and public awareness of the growing drug abuse problem and how to deal with it.

In Southeast Asia, ASEAN, the Association of Southeast Asian Nations (Malaysia, Indonesia, Philippines, Singapore, and Thailand), has become actively engaged in responding to the international drug challenge. The United States has been providing funding to support a drug coordination office, and for surveys and training. Malaysia has taken the lead in initiating a diplomatic campaign to highlight the drug problem and to encourage regional leaders to focus on this threat to local populations. In July 1985 the ASEAN foreign ministers endorsed a Malaysian-sponsored joint statement recognizing drug abuse and trafficking as an international problem, and adopted a draft U.S. resolution supporting the U.N. Secretary General's call for an international drug abuse conference to be held in Vienna in June 1987. In September Malaysia hosted a regional conference of drug experts. Malaysia also has stepped up cooperation with Thailand against drug traffickers on their joint border, initiated joint operations with Singapore to combat drug smuggling, and pressed Burma's Foreign Minister for closer bilateral cooperation against drug trafficking, while seeking the concurrence of individual ASEAN countries for Burma to become an observer at ASEAN anti-drug meetings.

The United States has provided funding support for the Colombo Plan, a broader grouping of Asian nations, whose Drug Advisory Program is focusing on a public awareness campaign designed to involve official leaders, the media, and non-government organizations such as parent and community groups.

In Europe, the 14-nation Pompidou Group, created by the Council of Europe in 1981, has been playing an increasingly active role in drug control. Members have been exchanging information on how to combat drug problems and making recommendations on future actions, particularly with regard to trafficking, confiscation of assets, epidemiology, youth, and the application of the criminal justice system to drug abusers. The Nordic Council provides a forum for the discussion of drug issues among member countries. INTERPOL, the international police organization, continues to be an important coordinating mechanism among the European countries in the enforcement field.

Education/Prevention

The United States has collaborated with a variety of countries in an effort to make government officials more aware of the growing threat posed by drug trafficking and domestic drug abuse. In the last two years, key source and transit countries have come to recognize the serious social and health implications of drug abuse.

In Latin America, Pakistan, and Thailand, the Department of State and United States Information Agency (USIA) have helped organize and fund public awareness seminars for government officials and private sector representatives. USIA has increased its drug awareness efforts in many Latin American countries, frequently supported by Department of State funding. The Agency for International Development (AID) is funding public education projects in Peru, Bolivia, Ecuador, Jamaica, and Belize. The Department of State has funded a joint National Institute on Drug Abuse-Pan American Health Organization survey on the need for epidemiology studies of drug abuse in Latin America. The United Nations Fund for Drug Abuse Control has provided assistance to Colombia and Jamaica in undertaking epidemiological studies. All of these efforts have played a key role in raising regional awareness of the drug threat.

United Nations Efforts

The United Nations has assumed a greater role in marshaling countries and resources in support of drug control. The Secretary General prominently raised the drug issue in a speech delivered to the General Assembly's Third Committee in November 1984. He later called for a World Conference on drugs to be held in Vienna in June 1987, a proposal which the General Assembly enthusiastically endorsed.

In 1984 the General Assembly and the Economic and Social Council (ECOSOC) both agreed to forward to the U.N. Commission on Narcotics Drugs (CND) for consideration a Venezuelan proposal for a new international convention on drug trafficking. The CND discussed the proposal at its annual meeting in February 1985, and member countries submitted proposed articles for inclusion in a new convention. The issues of procedure and content were scheduled for consideration at the next CND meeting in February 1986.

The United Nations Fund for Drug Abuse Control (UNFDAC) has assumed an expanded role in international drug control. A major development was the pledge of $40 million over five years by Italy for coca control projects in the Andean region of South America. This is the first UNFDAC program to address the coca problem. UNFDAC has received pledges of more than $23.5 million from Italy, the United States, Canada, the Federal Republic of Germany, and the United Kingdom for Pakistan's Special Development and Enforcement Program. Key donors to source countries also include Saudi Arabia, Sweden and Norway, among others. The major donors support the Fund's policy that all United Nations drug development projects will contain drug enforcement provisions, and agree that economic assistance should be linked to commitments by recipient governments to eliminate illicit drug crops by specified dates.

Diplomatic Initiatives

As the Secretary of State said in his speech on drugs in Miami in September 1984, "Other nations have come painfully to realize that narcotics is their problem, too, and that only through international cooperation can the world community hope to combat the international narcotics network." This realization has been nurtured by countless efforts over the last few years by a broad range of U.S. officials, including the President and Vice President, the Secretary and senior officers of the Department of State, the Attorney General, and members of Congress, together with our Ambassadors and drug control personnel in the field. All of these individuals have stressed the urgency and importance of enlisting producer, transit, and consumer countries alike in a more active, better coordinated campaign against drug production, trafficking and abuse. Through her First Ladies Conferences on Drug Abuse in April 1985 in Washington and Atlanta, and in October at the United Nations, First Lady Nancy Reagan has called for parent and private sector groups to become more engaged in the crusade against drug abuse. A United States interagency team visited European capitals in June 1985 to provide information on the dangers of cocaine trafficking and consumption, and to alert the Europeans to a potential cocaine epidemic.

A strong boost to the international effort was given by President Reagan and many world leaders during the economic summit last May in Bonn. The drug experts' report called for by these leaders, and endorsed by their foreign ministers in September, urges a higher priority for drug control in bilateral diplomatic relationships, calls for intensified crop control and interdiction efforts, and recognizes that development assistance to drug source countries and effective drug enforcement measures go hand in hand. The report was widely recognized as representing an advance in the collective thinking of the seven governments on drug-related issues. Recommendations for further discussion based on the findings of the experts will be proposed to the heads of government at their next economic summit in Japan in 1986.

These various diplomatic initiatives have contributed to the growing commitment to drug crop control and interdiction by important source countries, have encouraged new regional leadership by concerned governments such as Colombia and Malaysia, and have prompted important new players, such as China and India, to become interested in international drug control efforts. These initiatives have led to increased contributions and participation by UNFDAC and various donor countries in supporting international drug control programs. Finally, these efforts have led the Association of Southeast Asian Nations, the Organization of American States, and the United Nations to focus regional and world attention on the growing drug threat and to prepare a more effective response.

Conclusion

Of the many positive changes on the international drug scene, the most profound has been the realization by other governments that drug trafficking is a threat to their national security and their economic and social well-being. Now, in forum after forum, the operative phrase is, "it's our problem." There are no more spectators. In a time when drug traffickers rule segments of some countries and dominate local economies, when the rule of terror challenges the rule of law, when the children of virtually every continent are at risk to drug addiction, there can be no passive nations; the international community has begun to recognize this.

INTELLIGENCE PROGRAMS

Intelligence is a central element of the U.S. drug law enforcement strategy in bringing to bear the full range of Federal, State, and local resources against the drug trafficking problem. There are over 20 Federal agencies and approximately 14,000 State and local law enforcement entities with jurisdiction in drug matters, as well as numerous counterparts in source and transshipment countries. The effectiveness of cooperative and coordinated law enforcement efforts depends on adequate, timely, and reliable intelligence provided by the foreign intelligence community and the drug enforcement agencies. Such strategic and tactical intelligence is crucial in identifying and anticipating areas of drug production, drug trafficking routes and methods, and those individuals and organizations involved in the illicit drug business.

The Drug Enforcement Administration, U.S. Customs Service, U.S. Coast Guard, and the Federal Bureau of Investigation have intelligence programs devoted in whole or in part to drugs. Their intelligence activities primarily serve the particular investigative, strategic, or tactical needs of the agency. Intelligence efforts are coordinated and products shared among these agencies and with other anti-drug organizations. In addition, nine Federal agencies participate in the El Paso Intelligence Center, which serves Federal, State, and local law enforcement needs.

In just the last few years, the intelligence community has become increasingly involved in collecting and analyzing strategic and tactical foreign intelligence for the drug law enforcement agencies. This foreign intelligence information covers all aspects of foreign drug production and trafficking, including its impact on the political and economic well-being of producing and trafficking countries. A healthy relationship has been established between the intelligence community and law enforcement agencies, which receive intelligence community analytic products and attend briefings on trends in drug production and trafficking.

Drug Enforcement Administration Intelligence Program

DEA's five-point intelligence strategy includes tactical and operational intelligence support, strategic intelligence products, special field intelligence programs, interagency liaison and cooperation, and financial intelligence support.

Ongoing Operations

During 1984 and 1985, DEA continued to maintain several intelligence programs. DEA provided interagency intelligence support to Federal, State, and local law enforcement organizations through DEA's leadership at the El Paso Intelligence Center (EPIC); and provided intelligence support for hundreds of drug investigations leading to the seizure of drugs, the identification of several co-conspirators, and the conviction of several Class I violators. DEA also continued to provide assessments, estimates, and warnings on drug availability, production, trafficking, and trends to foreign, Federal, State and local authorities.

Special Projects

DEA developed hundreds of investigative leads through Operations Fountainhead and Bookkeeper to link cases and define conspiracies through comprehensive analysis of seized wholesale shipments of cocaine and documents, which played a significant role in targeting major Colombian cocaine traffickers. DEA also identified a technique being used by traffickers to move drugs and money between Florida and other parts of the United States by motor vehicle, leading to the establishment of Special Enforcement Operation Pipeline, which has expanded to a nationwide effort involving DEA and State law enforcement agencies.

Management Improvements

DEA developed a new information system in 1985 to help combat the problem of the domestic illicit manufacture of drugs. The Precursor Chemical Information System (PCIS) will catalog sellers and buyers of precursor chemicals needed to produce dangerous drugs. DEA also conducted preliminary testing to automate data gathered from pen registers, which will lead to expansion of the Automatic Phone Number Recording System (APRS) and the Direct Automatic Phone Number Recording System (DAPRS) in 1986.

DEA improved the interaction of the 11 agencies participating in the National Narcotics Intelligence Consumers Committee (NNICC) to broaden involvement in the analytical process resulting in the annual Narcotics Intelligence Estimate (NIE). DEA refined its computerized intelligence data base, PATHFINDER, using state of the art technology to enable DEA personnel to make highly flexible queries in support of major investigations; improved several case support techniques by summarizing investigative reporting into comprehensive documents; and refined sophisticated techniques in the areas of money, drug, and asset flow charting.

To more effectively address tactical intelligence requirements, DEA reallocated workforce and redistributed functions at the interagency El Paso Intelligence Center and improved the DEA intelligence library with fully automated search capabilities for retrieving intelligence reports.

Particular Products and Efforts

DEA has developed intelligence concerning drug production and trafficking in several parts of the world, which has led DEA to expand its presence in several areas. For example, DEA conducted an intelligence collection project throughout Africa that provided an overview of the continent's emerging role as an illicit drug producer and transshipment area, leading to the establishment of a DEA office in Lagos, Nigeria. DEA also decided to establish an office in Bombay after conducting a comprehensive study on the emerging threat of India as a major production and transit area for heroin and hashish. Finally, DEA developed intelligence regarding the drug situation in Australia and its implications for the United States, which will lead to a DEA presence in Australia in the near future.

Based on multi-agency coordination and input, DEA has developed several inventories of both legal and clandestine airstrips in high-density trafficking areas in Latin America, for use in both strategic and tactical planning. DEA conducted an analysis of the illicit drug situation in the eastern Mediterranean area in order to mount intelligence collection and enforcement operations in the area, and to educate concerned officials. As a result of DEA's intelligence concerning increased opium and marijuana production in Thailand, the Thai government drafted pending legislation concerning conspiracy and asset seizures in drug trafficking cases.

Reports

DEA's Office of Intelligence published many recurring and more than 60 special reports in 1984 and 1985. DEA publishes the annual, multi-agency Narcotics Intelligence Estimate that presents a compendium of worldwide illicit drug cultivation, trafficking trends, U.S. consumption, availability, and near term projections; the Quarterly Intelligence Trends report on issues and developments of long-term strategic interest; the DEA Monthly Digest of Drug Intelligence, which provides timely information on current drug law enforcement-related developments throughout the world; a weekly all-source report on Colombia that covers important political, economic, and social issues, which would have an effect on DEA personnel or operations; and a weekly report providing interdiction-oriented intelligence in support of multi-agency operations, such as NNBIS' Operation Hat Trick II.

DEA's Controlled Substance Analog Report, the first report to describe the synthetic heroin threat, contributed to the emergency control of meperidine and fentanyl analogs. The two reports, Clandestine Laboratory Seizures in the United States and Cocaine Laboratory Seizures in the United States, identified new smuggling and distribution trends for illicit drugs, and new techniques in precursor chemical synthesis. The Domestic Marijuana Trafficking Report published conclusions regarding the extent of domestic marijuana production in more than 30 States, and the Worldwide Cocaine Trafficking Trends report presented an overview of all aspects of the worldwide cocaine situation. The Domestic Cities Report: The Illicit Drug Situation In Metropolitan Areas consolidated drug abuse and distribution intelligence for 20 metropolitan areas in the United States, and the Illicit Drug Situation in the United States and Canada report compared the dimensions of the illegal drug problems in the two countries.

Special Field Intelligence Programs

DEA conducted more than 40 collection probes known as Special Field Intelligence Programs (SFIPs) to meet a wide variety of intelligence requirements. Intelligence probes regarding Southeast Asia's opiate production and trafficking resulted in increased anti-drug enforcement by the Burmese, while probes in Iran and Afghanistan led to the identification of major Iranian traffickers and increased DEA's understanding of opium poppy cultivation and heroin laboratory activity in Afghanistan. An SFIP to locate opium poppy and cannabis cultivations in Guatemala prompted the Guatemalan government to launch a manual eradication campaign against both crops. An intelligence probe in the Mediterranean developed trafficking information which led to several large heroin and hashish seizures.

Investigation of the Thai cannabis situation provided the basis for the Thai Government's plan to initiate a cannabis eradication campaign in 1986. An SFIP initiated in Bolivia identified a new generation of major suppliers of cocaine, while another probe designed to develop telephone toll information on cocaine violators resulted in the arrest of a leading Class I fugitive.

Intelligence probes have provided important information concerning the financial aspects of drug trafficking. For example, a probe of money laundering activities through a prominent Latin American financial center identified couriers and the origin of $45 million in cash transactions. Three other SFIPs targeted the movement of drug profits and identified couriers and methods used to move drug profits out of the United States. An intelligence probe of the "Hundi" black market money system in Pakistan yielded valuable information about illicit money movement activities throughout much of the Mideast.

DEA Interagency Cooperative Efforts

The DEA Intelligence Program emphasizes the exchange of information with enforcement counterparts and cooperating agencies worldwide to provide optimum support for domestic and international drug law enforcement operations. The El Paso Intelligence Center (EPIC) is at the forefront of DEA's interagency efforts. EPIC provides research and response to inquiries (294,805 inquires in FY-1985), and enters suspect persons, vehicles, aircraft, and vessels into the various Federal look-out systems. DEA assigned an officer full-time to the National Narcotics Border Interdiction System (NNBIS), Washington, D.C. office, provides intelligence personnel and information to special NNBIS operations, and participates in NNBIS coordinating and planning sessions. DEA provided significant amounts of analyzed drug intelligence for use in major intelligence community studies on drug traffic.

A U.S. Customs' analyst is assigned to DEA's Office of Intelligence and has access to all drug related documents. During FY 1985, at least 1,628 documents relating to drug trafficking were requested and provided to Customs. DEA is supplying state of the art communications capabilities in six Latin American countries to improve the exchange of drug-related intelligence for coordinated action by law enforcement authorities.

DEA, along with the Bureau of International Narcotics Matters and the intelligence community, also participates in the Subcommittee on Production, created under the auspices of the

National Narcotics Intelligence Consumers Committee. This cooperative venture works with embassies to produce drug production estimates.

Financial Intelligence Program

DEA's Financial Intelligence Program provides both strategic assessments and operational case support. DEA continues to identify countries in which drug traffickers use, or have the potential to use, bank secrecy laws to their own advantage. As a result of DEA's research, the Departments of State and Justice are actively negotiating treaties in various countries for the exchange of select types of banking information. To thwart the efforts of some drug traffickers, who seek to launder their illicit profits by acquiring ownership interests in domestic financial institutions, DEA works closely with regulatory agencies to identify such takeover efforts.

DEA has been working closely with other Federal agencies and the American Bankers Association to develop and present seminars on money laundering and the Bank Secrecy Act in order to increase the awareness of financial institution employees to drug money laundering problems. Initially the seminars were presented at a variety of locations by a team of government agents and private sector consultants who traveled to each conference location. The traveling seminar program was later replaced with a 60-city closed circuit telecast.

U.S. Customs Service Intelligence Program

The general mission of the intelligence organization of the Customs Service is to provide strategic intelligence to managers to support policy and planning decisions, and to provide operational and tactical intelligence to field elements to support enforcement actions. Customs intelligence elements maintain a close watch over all drug smuggling activities and trends affecting the U.S. border - the entire physical border, foreign preclearance stations, and the inland ports-of-entry. Customs intelligence programs and activities support day-to-day interdiction operations, investigations, programs, configuration of resources, and the evaluation of policies related to drug smuggling directed against the United States. Customs intelligence components coordinate their activities with appropriate elements of the enforcement and intelligence communities.

Ongoing Operations

The Customs Office of Intelligence published its annual predictive estimate of the drug smuggling threat, "1986 Drug Smuggling: Impact on the U.S. Customs Service." During 1984 and 1985, the Customs Service produced over 200 alerts related to drug matters, ranging from information on foreign activities provided by DEA and foreign Customs elements to unique smuggling techniques discovered by Customs field personnel.

Customs intelligence also contributed to the arrest of 107 individuals through a continuing program of profiling Nigerian heroin couriers; only two such arrests had been made prior to the program. Customs also analyzed Bank Secrecy Act data to identify suspect transactions and provided targets to Customs and other law enforcement agencies, both domestic and foreign.

Special Operations

Customs Intelligence provides continuing support to all Customs special operations, most recently providing trend analyses for Operation BLUE LIGHTNING, participating in the planning of Operation HAT TRICK II, and actively supporting the national efforts against Mexican drug smugglers, especially in the operations following the kidnapping and murder of a DEA Agent when Customs closed portions of the border.

Customs has provided analytical support to a marijuana and cocaine smuggling investigation, culminating in the arrest of numerous suspects in Florida in the fall of 1984; targeted Guatemalan carriers, leading to the identification of the smuggling vessel STERNA CARRIER and seizure of 1,650 pounds of cocaine; and developed information through Operation Ice Bucket, leading to the seizure of 211 pounds of heroin in Seattle in June 1985.

Management Improvements

In the past three years, Customs has greatly expanded its intelligence organization. An Office of Intelligence was created at Headquarters, with functional guidance responsibility for all Customs intelligence activities. Intelligence support has been expanded to cover each of the seven Customs Regions, and intelligence positions have been created at all major Customs district and enforcement offices.

Customs improved its intelligence support to drug operations in the Miami area with increased personnel and equipment. A 24-hour-a-day, 7-days-a-week tactical intelligence center was established, and in 1986 an improved computer system for command and control will become operational. Customs initiated efforts to establish an automatic interface with the Federal Aviation Administration (FAA) computer system in order to make airmen and aircraft registration data available on-line to Customs personnel.

A two-year program was initiated to collect and automate information about all Customs air and marine elements, all ports of entry, and all land border areas between ports of entry to provide managers up-to-date information to plan and conduct drug enforcement operations. Customs administratively transferred the Financial Intelligence Unit at Headquarters from the Office of Investigations to the Office of Intelligence.

Customs Interagency Cooperative Efforts

Customs representatives regularly attend general intelligence community meetings and review information provided by the intelligence community. Customs maintains daily contact with DEA and the Coast Guard. Customs maintains a full-time intelligence representative at DEA Headquarters and has established the first of several Customs representatives in DEA Country Offices in Latin American drug source countries.

Customs maintains continuing communication with the Department of State, providing officials there with data regarding the drug trafficking activities of selected country nationals in support of diplomatic initiatives and operations in these nations. In return, the Department provides Customs with detailed current information regarding conditions and drug trafficking activities in foreign countries. This data, incorporated into trafficker profiles and threat information, is used to forewarn Customs field personnel of smuggling activities. Customs also participated in special drug intelligence programs and projects with the Coast Guard, Department of Defense, and Immigration and Naturalization Service, and cooperated with NNBIS on joint planning projects. Customs also exchanges information of selected foreign Customs organizations on general and specific drug trafficking matters.

U.S. Coast Guard Intelligence Program

The mission of the Coast Guard's Operational Intelligence Program is to provide the best possible intelligence in a timely manner to Coast Guard operational commanders and planners in order to ensure the successful execution of all Coast Guard missions. The established use of the seas for illicit drug trafficking and the increasing requirement of operational commanders for intelligence support to maximize the use of limited resources has required the Coast Guard to streamline and enhance its intelligence collection and analysis activities.

Ongoing Operations

The Coast Guard has significantly expanded its ties to the National Intelligence Community, and has created a rising awareness of Coast Guard needs for intelligence in the interdiction of illicit drugs. As a result, there has been a dramatic increase in the amount of raw data and processed intelligence information available to the Coast Guard. The Coast Guard is now able to task National Intelligence Community assets to collect intelligence directly applicable to Coast Guard missions.

Special Operations

The Coast Guard has initiated several classified intelligence collection activities, which have provided tactical intelligence on approximately 50 percent of all vessels seized by the Coast Guard. The most successful of these classified programs directly contributed to the seizure of 25 percent of all vessels interdicted by the Coast Guard in 1984, and accounted for about 45 percent of all marijuana confiscated that year. The Coast Guard shares fully the information collected in this program with the Intelligence Community, NNBIS and other law enforcement agencies.

Management Improvements

The Coast Guard established an Intelligence Coordination Center (ICC) at Coast Guard Headquarters in October, 1984. The ICC is the Coast Guard's key facility for the collection, analysis, and dissemination of information from the National Intelligence Community and other national sources. This 24-hour center, capable of handling all levels of classified information, is responsible for the coordination of all Coast Guard intelligence collection and production efforts, and supports the Commandant, Area and District Commanders, and other Coast Guard field commands. The ICC has a detachment at the Naval Operational Intelligence Center for direct access to Navy intelligence sources.

The Coast Guard established Atlantic and Pacific Area intelligence staffs to function as collection managers and analysts for the increased activities of Coast Guard subordinate units, and to produce immediate tactical intelligence for operational commanders. A program has been developed whereby two Coast Guard officers are enrolled each year at the Defense Intelligence College in the Master of Science in Strategic Intelligence program, thus providing the Coast Guard with a professional cadre of intelligence-trained officers for the future. The Coast Guard is pursuing a request by the Defense Intelligence Agency to assign Coast Guard Officers as Defense Attaches in several locations in order to improve the flow of drug trafficking information from source countries.

Reports

Coast Guard intelligence has produced and disseminated various reports, studies, intelligence summaries, and analytical products to both law enforcement and intelligence agencies in support of maritime drug interdiction. These reports include a major analytical report entitled "Jamaica: Implications for Maritime Smuggling," and a major study, "The Baja Pennisula and Its Involvement in International Narcotics Trafficking," both produced by the Intelligence Coordination Center (ICC).

More than 50 major analytical message reports and more than 100 spot reports of drug activities have been produced during the past two years. The Coast Guard generates various analytical products of technical collection efforts and provides specialized intelligence information support to NNBIS operations, such as weekly summaries from Area Commanders and strategic assessments of maritime drug activities and ICC-projected trends. Daily reports include twice-daily message intelligence summaries by the ICC to operational commanders and a daily tactical summary of drug intelligence by each Area Commander.

Coast Guard Interagency Cooperative Efforts

The Coast Guard participated with National Intelligence Community members in many studies and served on various committees such as the Narcotics Intelligence Consumers

Committee. The Coast Guard also participates as one of seven Federal agencies that comprise the El Paso Intelligence Center (EPIC), providing six personnel to EPIC's staff, including a Captain serving as an Assistant Special Agent in charge.

Federal Bureau of Investigation Intelligence Programs

In accordance with the Implementation Directive for concurrent drug investigative jurisdiction between the Drug Enforcement Administration and the Federal Bureau of Investigation, DEA is the principal Federal drug enforcement agency for drug intelligence analysis and strategic assessments. The FBI's drug intelligence responsibility is to support DEA efforts through the Organized Crime Information System (OCIS).

OCIS is an automated data base originally designed as a repository for intelligence information concerning the traditional organized crime families (La Cosa Nostra) and their criminal activities in the United States. The system enables agents and analysts working on organized crime matters to rapidly retrieve, collate and analyze information from other field divisions for use in their own investigations. As organized crime has expanded to include non-traditional groups, such as outlaw motorcycle gangs and drug cartels, OCIS has also expanded its data base and operations by adding terminals and personnel in a number of field offices not originally scheduled for OCIS because of the lack of traditional organized crime activity.

In 1985 an OCIS terminal was established in Rome to support investigations of the relationships between Italian/Sicilian based drug groups and their U.S. counterparts. Supplemented by a computer flash system, the OCIS terminal enables the FBI to better coordinate intelligence information with Italian law enforcement officials and other investigative agencies. Files being developed in OCIS will depict links between U.S.-located members of the Italian-based Camorra and N'Drangheta, the Sicilian Mafia, and the drug activities of the La Cosa Nostra.

DEA foreign operations are supported by OCIS at the FBI El Paso field office through EPIC. OCIS installations at major FBI field offices similarly support domestic operations. The scheduled implementation of OCIS at DEA Headquarters will further enhance the coordination and sharing of drug intelligence information. DEA's placement of NADDIS terminals at FBI Headquarters has already improved interagency intelligence sharing.

In addition to providing intelligence information to EPIC, the FBI has assigned a program manager and analytical and communication support personnel to the Center. During FY 85, the FBI began a major project to convert EPIC into a state of the art center for tactical intelligence by October 1987. Specific project goals include reducing the time required to process inquiries; avoiding missed opportunities concerning perishable information; providing patterns and trends to allow agents to identify suspect violators; providing a fully integrated data base for the analysis of multi-agency intelligence; providing an institutional data base; and providing more timely and accurate intelligence information for decisionmaking.

Bureau of International Narcotics Matters Intelligence Program

The Department of State Bureau of International Narcotics Matters (INM) is both an important collector of drug intelligence information and the primary consumer of finished narcotics intelligence on policy-level international narcotics developments. In addition to participating in the joint INM, DEA, intelligence community Subcommittee on Production (created under the auspices of the National Narcotics Intelligence Consumers Committee), INM embarked on a new aerial survey and reconnaissance program in 1984. This program assists source country governments in drug data generation and analysis. INM shares the intelligence generated by the program with the U.S. drug enforcement community.

APPENDIX: FEDERAL LAWS RELATING TO THE CONTROL OF NARCOTICS AND OTHER DANGEROUS DRUGS, ENACTED 1961-1985: BRIEF SUMMARIES

(CRS Report No. 86-12 GOV)

Report No. 86-12 GOV

FEDERAL LAWS RELATING TO THE CONTROL OF NARCOTICS AND OTHER DANGEROUS DRUGS, ENACTED 1961-1985: BRIEF SUMMARIES

By
Harry L. Hogan
Specialist in American National Government
Government Division

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The Congressional Research Service works exclusively for the Congress, conducting research, analyzing legislation, and providing information at the request of Committees, Members and their staffs.

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ABSTRACT

This report contains summaries of enactments, treaties, and reorganization plans, passed from 1961 through 1985, that have some clearly indicated relationship--either by specific reference or by virtue of legislative history--to the Federal effort to prevent drug misuse through control of the supply of narcotics and other dangerous drugs.

FEDERAL LAWS RELATING TO THE CONTROL OF NARCOTICS AND OTHER DANGEROUS DRUGS, ENACTED 1961-1985: BRIEF SUMMARIES

INTRODUCTION

During the past twenty-five years, Congress has enacted a large number of laws intended, in whole or in part, to prevent the misuse of narcotics and other dangerous drugs. Of these enactments, some are designed to reduce the demand for such drugs--through treatment, education, and intervention efforts--and others are aimed at reduction of drug supply--through regulation of manufacture and distribution, by curbing illicit traffic, and by foreign assistance for the control of drug production and trafficking abroad.

This compilation provides summaries of enactments, treaties and reorganization plans, passed from 1961 through 1985, that have some clearly indicated relationship--either by specific reference or by virtue of legislative history--to the Federal effort to prevent drug misuse by means of supply reduction. Measures for the prevention of drug misuse through demand reduction are not included.

Appropriation laws are included only if they contain provisions bearing on the substance of the activity or program for which funds are being appropriated.

It should be noted that many measures of a general nature--such as broadly directed anti-crime laws or laws authorizing the activities and funding of general law enforcement agencies (Coast Guard, Customs Service, FBI, etc.)--may also contribute to the drug control effort.

BRIEF SUMMARIES OF PUBLIC LAWS

P.L. 87-228

Makes it a Federal crime, punishable by a fine of up to $10,000 or 5 years imprisonment or both, to travel or use communications facilities in interstate or foreign commerce to carry on or to aid racketeering activity (including any illegal organized enterprise involving narcotic drugs).

P.L. 87-274: Juvenile Delinquency and Youth Offenses Control Act

Authorizes $10 million for fiscal year 1962 and each of the two succeeding years to make grants to Federal, State, local and other public or nonprofit agencies and organizations to pay part of the cost of carrying out projects demonstrating or developing practices for the prevention, diminution, and treatment of juvenile delinquency and holding promise of making a substantial contribution to the solution of juvenile delinquency problems (including the problem of juvenile drug abuse).

Provides technical assistance services to States, municipalities, and other agencies--including investigations, reports and short term training.

Directs the Secretary of the Department of Health, Education and Welfare, in administering the Act, to consult with the President's Committee on Juvenile Delinquency and Youth Crime on matters of general policy and procedure.

P.L. 88-368: Juvenile Delinquency Act Extension

Extends for an additional 2 years the Juvenile Delinquency and Youth Offenses Control Act of 1961, with provision for a special demonstration project for prevention and control of juvenile delinquency in the District of Columbia.

P.L. 89-74: Drug Abuse Control Amendments of 1965

Amends the Federal Food, Drug, and Cosmetic Act to provide for special controls over the manufacture and distribution of depressant and stimulant drugs--including increased recordkeeping and inspection requirements, control over intrastate commerce in such drugs as well as interstate--and to make possession of the drugs (other than by the user) illegal outside of the legitimate channels of commerce.

P.L. 89-793: Narcotic Addict Rehabilitation Act of 1966

Provides for the possibility of civil commitment, for treatment, of narcotic addicts charged with Federal law violations; provides for the possibility, under certain circumstances, of civil commitment to Federal care (for treatment purposes) of addicts who are not charged with any criminal offense; and provides for grants to States to assist in developing and maintaining specialized services and programs for addicts. Also, makes Federal marihuana law violators eligible for parole.

Reorganization Plan No. 1, effective April 8, 1968

Merges the Bureau of Narcotics (Treasury Department) and the Bureau of Drug Abuse Control (Department of Health, Education and Welfare) into a new agency, the Bureau of Narcotics and Dangerous Drugs, in the Department of Justice.

P.L. 90-351: (Title I) Omnibus Crime Control and Safe Streets Act of 1968: Title I, Law Enforcement Assistance

Authorizes a program of formula grants to States for the purpose of improving and strengthening law enforcement, which may include efforts to treat and rehabilitate narcotic addicts within State criminal justice systems; and also authorizes a program of "discretionary" grants to States and localities for implementation of "special emphasis" law enforcement activities, which also may include drug abuse control projects.

P.L. 90-639: Increased Penalties for Dangerous Drug Offenses

Provides increased penalties for illegal trafficking in depressant and stimulant drugs, including LSD and other hallucinogens, and makes possession of such drugs illegal (first offense a misdemeanor) unless obtained through a valid prescription.

P.L. 91-296: Marihuana and Health Reporting Act

(Title V of the Hospital and Medical Facilities Construction and Modernization Amendments of 1970). Requires the Secretary of Health, Education, and Welfare to make an annual report to the Congress on the health consequences of marihuana use.

P.L. 91-452: Organized Crime Control Act of 1970

Title I. Provies for the summoning of special grand juries in major metropolitan areas, for the purpose of investigating organized crime activities, and authorizes such juries to issue reports upon conclusion of their terms.

Title II: Provides that, and prescribes the manner in which, a witness in a Federal proceeding may be ordered to provide information after asserting his privilege against self-incrimination, and defines the scope of the immunity to be provided such witness with respect to information provided under an order.

Title III: Codifies previously existing Federal civil contempt procedures designed to deal with recalcitrant witnesses in grand jury and court proceedings, authorizing civil contempt commitment until the court order is complied with, and makes subject to Federal process witnesses who flee State investigative commissions to avoid giving testimony.

Title IV: Abolishes the "two-witness" and "direct evidence" rules in the trying of Federal perjury cases, and provides for the prosecution of persons making contradictory statements under oath, without requiring proof of the falsity of one of the statements.

Title V: Authorizes the Attorney General to protect and maintain Federal or State government witnesses in organized crime proceedings, along with their families.

Title VI: Authorizes the taking of pretrial depositions of Federal Government witnesses in criminal cases against persons believed to have participated in organized crime activity, and the use of such depositions as evidence in subsequent prosecutions.

Title VII: Provides that in any legal proceeding of the United States, the consideration of claims that evidence is inadmissable because derived from the illegal use of electronic, mechanical or other device shall be limited to those cases where the alleged illegal act has taken place within five years of the time the claim is made; and limits disclosure of information by the Government in such cases to only such as is relevant to determination of admissibility of the evidence and is in the interest of justice.

Title IX: Racketeer Influenced and Corrupt Organizations (RICO). Amends title 18, U.S.C., to prohibit infiltration of the management of legitimate organizations by racketeering activity or by the proceeds of racketeering activity where interstate or foreign commerce is affected; provides for criminal penalties (including forfeiture of property to the United States) upon conviction of violations of the prohibitions; and provides for civil remedies (e.g., court-ordered divestiture of interest) to prevent and restrain violations of the prohibition provisions.

Title X: Provides for additional sentences for habitual, professional, or organized crime offenders convicted of a Federal offense.

Title XII: Establishes a Commission on Individual Rights to conduct a comprehensive study and review of Federal laws and practices relating to special grand juries and to special offender sentencing authorized under the Act, wiretapping and electronic surveillance, bail reform and preventive detention, no-knock search warrants, and the accumulation of data on individuals by Federal agencies--to report within 6 years of establishment.

P.L. 91-508

Title I: Financial Recordkeeping. Requires the maintenance of records by banks, businesses and other U.S. financial institutions where such records would be useful in criminal, tax, or regulatory investigations or proceedings.

Title II: Currency and Foreign Transactions Reporting Act. Among other things, requires all banks and other financial institutions to file a currency transaction report with the Internal Revenue Service for each deposit, withdrawal or exchange of currency or monetary instruments in excess of $10,000. Requires any individual involved in exporting or importing monetary instruments exceeding $5,000 to report such transactions to the Customs Service. Provides for the seizure and forfeiture of monetary instruments involved in a violation of the reporting requirement. Authorizes the Secretary of the Treasury to make information from the required reports available to any other Federal department or agency upon request.

P.L. 91-513: Comprehensive Drug Abuse Prevention and Control Act of 1970

Title II: Controlled Substances Act. Replaces previous narcotic and dangerous drug contol laws (except those relating to importation and exportation; see Title III) with a single statute and makes certain changes in the substance of these laws, including (1) establishment of five separate schedules for the classification of all narcotics and other dangerous drugs ("controlled substances"), with the extent of regulation of each drug or substance varying according to its assigned schedule (but with distinctions between narcotics and non-narcotics in the two most restrictive schedules); (2) transfer to the Secretary of Health, Education and Welfare of authority to designate the classification of substances proposed to be regulated under the Act, in the absence of control required by treaty in effect upon enactment; (3) extension of existing law's licensing requirements for narcotics manufacturers to apply to manufacturers of all controlled drugs and to all distributors of such drugs; (4) a revision of penalties, among which is one making any first-time simple possession offense a misdemeanor, regardless of the drug involved--and one eliminating all mandatory minimum sentences, except in cases involving a special class of professional criminal (one shown to have been involved in a "continuing criminal enterprise"); (5) provision of possibility of expungement of police record, after satisfactory probation, in the case of a first offender convicted of illegal possession of a narcotic drug or marihuana (such a possibility already existed for other drug offenders); (6) provision for possibility of use of "no-knock" search warrants by law enforcement officers engaged in enforcing the Act; and (7) establishment of a commission to conduct a study of marihuana, and to make recommendations regarding its control. For carrying out functions under Title II, authorizes Justice Department appropriations of $60 million for FY 1972, $70 million for FY 1973, and $90 million for FY 1974. Separately, authorizes annual appropriations of $6 million for specific purpose of increasing Federal narcotics enforcement strength by 300 agents plus support personnel.

Title III: Controlled Substances Import and Export Act. Replaces with a single new provision of law the existing statutes relating to importation and exportation of narcotics and dangerous drugs, conforming to the provisions of Title II; and repeals other revenue laws relating to narcotics and marihuana.

P.L. 92-13

Increases appropriation authorizations for the Commission on Marihuana and Drug Abuse.

P.L. 92-31

Extends the provisions of the Juvenile Delinquency Prevention and Control Act of 1968 for an additional year, and establishes an interdepartmental Council of Juvenile Delinquency to coordinate all Federal delinquency control programs. Authorizes appropriations of $75 million for FY 1972.

P.L. 92-73: Department of Agriculture--Environmental and Consumer Protection Appropriations Act, 1972

Contains a provision barring the payment of Federal subsidies to farmers who knowingly allow wild marihuana growing on their land to be harvested.

P.L. 92-129: Selective Service Act Amendments

Contains a provision directing the Armed Forces: to identify drug dependent servicemen and to provide them with treatment; to identify prospective servicemen who are drug or alcohol dependent, refuse them entrance into the Armed Forces, and refer them to civilian treatment facilities; and to report to Congress within 60 days of enactment as to implementation of the provisions and with recommendations for additional legislative action determined necessary "to combat effectively drug and alcohol dependence in the Armed Forces and to treat and rehabilitate effectively any member found to be a drug or alcohol dependent person.

P.L. 92-226: Foreign Assistance Act of 1971

Among other things, authorizes suspension of foreign assistance to countries not cooperating in attempts to curb illegal drug traffic to the U.S., and creates an assistance program designed to encourage international narcotics control*.

P.L. 92-245, 92-246, 92-247

Authorizes U.S. contributions to and participation in the Asian Development Bank, the Inter-American Development Bank, and the International Development Association, respectively. Each contains a provision instructing the U.S. Executive Director for the relevant institution to vote against any loan (or other utilization of the institution's funds) to any country with respect to which the President has made a determination that its government has failed to take adequate steps to prevent narcotics and other dangerous drugs from entering the United States unlawfully or from being sold unlawfully to any U.S. Government personnel or their dependents within the country's jurisdiction.

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* Amended by P.L. 92-352 (State Department appropriations authorizations, 1972) to provide for a specific FY 1973 appropriation authorization of $42,500,000 for the assistance program.

P.L. 92-255: Drug Abuse Office and Treatment Act of 1972

Title II: Establishes an office in the Executive Office of the President--to be called the Special Action Office for Drug Abuse Prevention (SAODAP)--to coordinate and direct Federal drug abuse control efforts related to rehabilitation of drug-dependent persons, education, training, and research; makes specific appropriation authorizations for the new office. Although "drug traffic prevention" functions (law enforcement activities, diplomatic negotiations, and foreign assistance for controlling drug production and traffic) are excluded from the jurisdiction of the Office, provides that the Director of SAODAP may make *recommendations* to the President in connection with any drug traffic prevention function, and that he shall consult with and be consulted by all agencies involved in such functions regarding their policies, priorities, and objectives. Also specifically provides that the Director shall report, in writing to the President, the conduct of any agency--be it concerned with abuse prevention or traffic prevention--which "substantially impairs the effective conduct" of any other drug function. Further provides that the Attorney General must give prior notice to the SAODAP Director of any scheduling action (addition, removal, or transfer) under the Controlled Substances Act. Specifies June 30, 1975, as the expiration date for the Office.

Title III: Directs the President to develop a "comprehensive, coordinated long-term Federal strategy" for all drug abuse prevention and drug traffic prevention functions conducted, sponsored, or supported by the Federal Government. Requires such strategy to be promulgated initially no later than nine months after enactment of the title. To assist in preparing strategy, directs the President to establish a Strategy Council, consisting at least of the Director of SAODAP, the Attorney General, the Secretaries of HEW, State, and Defense, and the Administrator of Veterans' Affairs. Provides that the strategy must be reviewed, revised as necessary, and promulgated as revised at least once a year.

P.L. 92-293

Authorizes the Attorney General to provide care for narcotic addicts placed on probation, released on parole, or mandatorily released (who are not eligible for handling under the provisions of the Narcotic Addict Rehabiliation Act of 1966).

P.L. 92-381

Extending the Juvenile Delinquency Prevention and Control Act of 1968 for 2 additional years. The Act provides for grants to assist States and communities (agencies outside the juvenile justice system) in furnishing diagnostic, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent--which services may include drug abuse treatment or prevention projects.

P.L. 92-420

Amends the Narcotic Addict Rehabiliation Act of 1966 to increase treatment options available through judicial disposition of addicts--especially to allow methadone maintenance.

P.L. 93-83: Crime Control Act of 1973

Funds the law enforcement assistance program under the Omnibus Crime Control and Safe Streets Act of 1968 for three additional years--authorizing appropriations of $1 billion for fiscal years 1974 and 1975, and $1.25 billion for FY 1976. Reduces State-local matching requirements from 25 to 10 percent except for Part C construction, and increases to 50 percent the local non-Federal share to be paid by the States for both Part B planning and Part C action grants. Contains a provision specifically requiring States receiving grants for correctional programs to provide "necessary arrangements for the development and operation of narcotic and alcoholism treatment programs in correctional institutions and facilities and in connection with probation or other supervisory release programs for all persons, incarcerated or on parole, who are drug addicts, alcoholics, or alcohol abusers." Further contains a Part C amendment referring specifically to "centers for treatment of narcotic addicts" as a possible component of a comprehensive State plan.

P.L. 93-87: Federal-Aid Highway Act of 1973

Authorizes, among other changes, funding of research by public or private agencies, institutions and individuals to explore the relationship between drug use and highway safety.

P.L. 93-189: Foreign Assistance Act of 1973

Authorizes appropriations of $42.5 million for the international narcotics control program established under the Foreign Assistance Act of 1971, for each of fiscal years 1974 and 1975, and contains a requirement that the President transmit to Congress quarterly and semi-annual reports on all aspects of U.S. international narcotics control programs and activities.

P.L. 93-218

Authorizes the disposal of opium from the National Stockpile.

P.L. 93-281: Narcotic Addict Treatment Act of 1974

Amends the Controlled Substances Act to provide for the separate registration of practitioners who use narcotic drugs in the treatment of addicts.

P.L. 93-415: Juvenile Justice and Delinquency Prevention Act of 1974

Replaces and generally expands the programs authorized by the old Juvenile Delinquency Prevention Act. Establishes an Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration, to administer a formula grant and contract program of assistance to States and localities for the development of delinquency prevention and control programs (defined as meaning "any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs, the improvement of the juvenile justice system and any program or activity for neglected, abandoned, or dependent youth and other youth who are in danger of becoming delinquent"). Authorizes appropriations of $75 million for FY 1975, $125 million for FY 1976, and $150 million for FY 1977. Creates a Coordinating Council on Juvenile Justice and Delinquency Prevention to coordinate Federal juvenile delinquency programs, and creates an Advisory Committee for Juvenile Justice and Delinquency Prevention to recommend policy and management of Federal programs. Establishes a National Institute for Juvenile Justice and Delinquency Prevention to serve as an information clearinghouse and training center. Authorizes the Secretary of HEW to make grants and provide technical assistance to localities and nonprofit private agencies for the development of facilities to serve the needs of runaway youth, outside the justice system--authorizing appropriations for this purpose of $10 million for fiscal years 1975 through 1977. Extends the old Juvenile Delinquency Prevention Act for an additional year.

P.L. 93-481

Authorizes appropriations for enforcement of the Controlled Substances Act by the Drug Enforcement Administration--$105 million for FY 1975, $175 million for FY 1976, and $200 million for FY 1977. Also, repeals the "no-knock" search warrant provision of the Controlled Substances Act, and extends the possibility of parole to all persons convicted of a narcotic or dangerous drug offense under the Federal laws in force prior to enactment of the Controlled Substances Act.

P.L. 93-618: Trade Act of 1974

Among other things, provides for duty-free treatment of any eligible article from any "beneficiary developing country" designated by the President, no country to be so designated if it fails to take adequate steps to cooperate with the U.S. to prevent the unlawful entry into the United States of narcotic drugs and other substances controlled under the Controlled Substances Act which are produced, processed or transported in that country. Also requires the President to submit a report at least once each calendar year listing those foreign countries in which narcotic drugs and other controlled substances are produced, processed, or transported for unlawful entry into the United States, and requires that the report include a description of the measures taken by these countries to prevent such activities.

Reorganization Plan No. 2 of 1973

Consolidates and entrusts to a single new agency within the Justice Department, to be known as the Drug Enforcement Administration, all Federal activities relating to the prevention of illicit traffic in narcotics and dangerous drugs.

P.L. 94-237: Drug Abuse Office and Treatment Act of 1972, Amendments

Among other things, establishes, on a 3-year basis, an Office of Drug Abuse Policy in the Executive Office of the President, to succeed the defunct Special Action Office for Drug Abuse Prevention in providing coordination and policy formulation for Federal efforts to prevent and control drug abuse. Authorizes $700,000 for FY 1976, $500,000 for the transition, and 2 million for each of FY 1977 and 1978. Specifically authorizes certain research efforts by NIDA, including those that relate to the development of non-addictive substitutes for opium derivatives--with appropriation authorizations of $7 million annually through FY 1978.

P.L. 94-329: International Security Assistance and Arms Export Control Act of 1976

In addition to other matters, extends the "International Narcotics Control" program under the Foreign Assistance Act, for another two years, with appropriation authorizations of $40 million for FY 1976 and $34 million for FY 1977. Provides that no part of the FY 1976 money may go to any country where illegal traffic in opiates has been a significant problem, absent a Presidential determination and certification to Congress that the country is "signficantly reducing the amount of illegal opiates entering the international market." Prohibits participation by any U.S. official in any "direct police arrest action" in a foreign country with respect to narcotics control efforts. Directs the President to make a study of methods through which U.S.-funded narcotics control programs in foreign countries might instead be assisted through international organizations.

P.L. 94-419: Defense Department Appropriations Act, FY 1977

Although the act contains no formal provision, the conference report calls for an end to the random urinalysis testing programs of the armed services, intended for the detection of drug abuse, by October 1, 1976, with funds saved to be redirected to military alcohol abuse programs. The conference committee also agreed that the Department should take "positive steps to make all commanders aware of the fact that participating in a drug or alcohol abuse rehabilitation program is, of itself, not to be considered grounds to deny reenlistment". Moreover, the committee indicated that treatment of civilian employees by the military services should be limited to emergencies and to those places where treatment is unavailable through public and private sources.

P.L. 94-455: Tax Reform Act of 1976

Establishes stricter rules of confidentiality with respect to Federal income tax returns. Has the effect of limiting the circumstances under which the Internal Revenue Service may make information available to other Federal agencies.

P.L. 94-503: Crime Control Act of 1976

Extends the law enforcement assistance program authorized by the Omnibus Crime Control and Safe Streets Act of 1968 for an additional three years and authorizes appropriations of $880 million for FY 1977 and $800 million for each of FY 1978 and 1979 (along with an additional $15 million for each year for a new community anti-crime program authorized by Sec. 103 of the act).

Provides that the Law Enforcement Assistance Administration (LEAA) is under the policy direction and control of the Attorney General.

Provides for participation by State legislatures in the planning process. Requires inclusion in the State Planning Agency (SPA) of a minimum of three judicial members.

Provides for voluntary establishment of judicial planning committees to develop annual State judicial plans, to be approved by SPAs and incorporated into State plans.

Requires SPAs to allocate $50 million annually to such committees and increases Part B planning block grants accordingly. Specifically authorizes Part C funding for programs for stengthening the courts, for preventing crimes against the elderly, for community anti-crime programs, and for early case assessment programs.

Requires that juvenile delinquency programs be allocated 19.15 percent of the total appropriation for LEAA.

Requires specific annual authorizations for Justice Department appropriations beginning Oct. 1, 1978.

Authorizes the use of Part C funds for the "development of programs to identify drug-dependent offenders (including alcoholics, drug addicts, and drug abusers)"; and requires all States to establish "procedures for effective coordination between State planning agencies and single State agencies designated under section (409)(e)(1) of the Drug Abuse Office and Treatment Act of 1972 . . . in responding to the needs" of such offenders.

Requires the Institute of Criminal Justice, in consultation with the National Institute on Drug Abuse, to give research priority to determining the relationship between drug abuse and crime and "to evaluate the success of the various types of drug treatment programs in reducing crime."

Provides for the removal from the Federal civil service system of all upper-level supervisory personnel in the Drug Enforcement Administration (DEA).

S. Res. 578 (94th Cong.)

Urges Federal judges to set more realistic bail for major narcotics law offenders.

H. Res. 1350

Provides for the establishment and funding, during the 94th Congress, of the House Select Committee on Narcotics Abuse and Control, for the purposes of studying and reviewing the problems of narcotics abuse and control.

P.L. 95-92: International Security Assistance and Arms Export Control Act of 1977

Among other things, extends the appropriation authorization for the International Narcotics Control Program under sec. 482 of the Foreign Assistance Act for one additional year (FY 1978), at the level of $39 million.

P.L. 95-115: Juvenile Justice Amendments of 1977

Extends and expands the Juvenile Justice and Delinquency Prevention Act of 1974, authorizing appropriations of $150 million in FY 1978, $175 million in FY 1979, and $200 million in FY 1980. Relaxes certain stringent requirements of the Act. Increases appropriation authorizations for the Runaway Youth Act.

P.L. 95-137

Extends appropriation authorizations for the enforcement of the Controlled Substances Act for two additional years, $188 million for FY 1978 and $215 million for FY 1979. Repeals the annual $6 million authorization under section 103 of the Act.

P.L. 95-142: Medicare-Medicaid Anti-Fraud and Abuse Amendments

Contains a number of provisions for the general purpose of preventing fraud and abuse under the Medicare and Medicaid programs, including: stricter penalties, requirement of the suspension of practitioners convicted of criminal offenses, establishment of a uniform reporting system for health facilities, and incentives for establishment of State Medicaid fraud units.

P.L. 95-384: International Security Assistance Act of 1978

Among other things: authorizes appropriations for the International Narcotics Control Program (section 482 of the Foreign Assistance Act) for one additional year (FY 1979), at the level of $40 million. Amends the "Mansfield Amendment" of 1976 to provide specifically that no U.S. officer or employee may interrogate or be present at the interrogation of any U.S. person arrested in any foreign country with respect to narcotics control efforts without the written consent of that person. Also prohibits the use of any funds authorized by the section in any program involving the spraying of a herbicide to eradicate marihuana plants if the use of the herbicide is likely to cause serious harm to the health of persons who may use or consume the sprayed marihuana, but provides further that the prohibition does not apply when the herbicide is used in conjunction with another substance that will provide a clear warning to potential users. Establishes procedures under which the use of a herbicide in a marihuana eradication program funded under the section is to be evaluated by the Department of Agriculture and the Environmental Protection Agency, to ascertain whether the prohibition should be invoked; also requires the Secretary of State to submit a comprehensive report to Congress each year on efforts taken to ensure compliance with the requirements of the herbicide provisions and to prevent the spraying of marihuana with herbicides harmful to humans.

P.L. 95-410: Customs Procedural Reform and Simplication Act

Among other things, amends the Tariff Act of 1930 to increase from $2,500 to $10,000 the maximum value of property (seized in connection with a violation of U.S. customs laws) that is subject to administrative as opposed to judicial forfeiture; makes by reference the same change with respect to all seizures made under the Controlled Substances Act.

P.L. 95-461: Drug Abuse Prevention and Treatment Amendments of 1978

Among other things, extends specific authorization for support of certain areas of research--including the creation, development, and testing of synthetic analgesics, antitussives and other drugs which are (A) non-addictive or (B) less addictive than opium or its derivatives, to replace opium and its derivatives in medical use.

P.L. 95-481: Foreign Assistance and Related Programs Appropriation Act, FY 1978

Contains a provision placing a $3 million ceiling on U.S. contributions, during FY 1978, to the United Nations Fund for Drug Abuse Control.

P.L. 95-537: Contract Services for Drug Dependent Federal Offenders Act of 1978

Transfers from the Justice Department to the Administrative Office of the U.S. Courts the authority to contract for aftercare services for released Federal offenders who are drug dependent, thus consolidating responsibilities for supervisory care for such offenders in a single agency.

P.L. 95-633: Psychotropic Substances Act of 1977

Amends the Controlled Substances Act and other laws to meet obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances. Provides for tighter controls on the manufacture and distribution of the drug phencyclidine (PCP), including increased penalties for illicit trafficking, and places certain restrictions on commerce in the PCP ingredient piperidine. Also provides for seizure and forfeiture of moneys and other negotiable instruments furnished or intended to be furnished in exchange for illicitly transferred controlled substances.

H. Res. 77

Provides for the continuance, during the 95th Congress, of the House Select Committee on Narcotics Abuse and Control.

H. Con. Res. 265

Endorses the Hermosillo Declaration ("on Combating Traffic in Drugs at the International Level," adopted by the seventeenth Mexico-United States Interparliamentary Conference, May 1977) and urges the President to encourage other nations to cooperate in an international effort to eradicate narcotics trafficking and to eliminate illicit production of opium.

P.L. 96-43: Speedy Trial Act Amendments of 1979

Amends the Speedy Trial Act of 1974 to modify a number of requirements, particularly to extend the period, from the time of arraignment, during which a trial must commence. Specifically with respect to offenders who might be subject to the provisions of the Narcotic Addict Rehabilitation Act of 1966, extends the periods of delay that are excluded in computing the time limits for the filing of an information or indictment, and the commencement of trial.

to include delay resulting from any proceeding or deferral or prosecution pursuant to that act.

P.L. 96-53: International Development Cooperation Act of 1979

Among other things, requires agencies that plan development assistance programs for countries in which there is illicit narcotics cultivation to give priority consideration to programs that would reduce such cultivation by stimulating broader development opportunities.

P.L. 96-92: International Security Assistance Act of 1979

In addition to other provisions, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign Assistance Act. Extends the program through FY 1980, a 1-year extension, authorizing $51.7 million, with $16 million earmarked for the Republic of Colombia. Provides that contributions for the U.N. Fund for Drug Abuse Control may not exceed $3 million or 25 percent of total member-nation contributions. Amends the anti-paraquat provision of 1978 to make clear that it is not intended to jeopardize programs aimed at reducing narcotics traffic.

P.L. 96-132: Department of Justice Appropriation Authorization Act, Fiscal Year 1980

Authorizes appropriations for the Justice Department for FY 1980. For the Drug Enforcement Administration (DEA), authorizes $198.3 million. Amends the Controlled Substances Act (1) to authorize DEA to pay tort claims arising in foreign countries in connection with the agency's operations, such payment to be made in accordance with the Federal Tort Claims Act, and (2) to repeal the requirement that an award of compensation be made to informers in accordance with the customs laws.

P.L. 96-157: Justice System Improvement Act

Amends Title I of the Omnibus Crime Control and Safe Streets Act. Establishes a National Institute of Justice (NIJ) and a Bureau of Justice Statistics (BJS). Transfers the research operations of the Law Enforcement Assistance Administration (LEAA) to the new NIJ and its statistics operations to the new BJS. Places all three entities--LEAA, NIJ, and BJS--under a new Justice Department agency, the Office of Justice Assistance, Research and Statistics (OJARS). Authorizes $750 million per year for FY 1980 through 1983 for the major assistance activities, education and training, and administration; $25 million for each of these fiscal years for research; $25 million for each year for statistical activities; and $25 million for each year for a community anti-crime program.

P.L. 96-181: Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979

Among other things, transfers to the President the responsibilities of the former Office of Drug Abuse Policy. Expands membership of the Strategy Council on Drug Abuse to include appropriate State and local government officials. Extends specific authorization for the National Institute on Drug Abuse to conduct or support research on designated subjects, including the development of synthetic analgesics, antitussives and other drugs which are non-addictive or less addictive than opium or its derivatives, to replace opium and its derivatives in medical use.

P.L. 96-350

Makes it unlawful for any person on board a U.S. vessel or a vessel subject to U.S. jurisdiction--or for a U.S. citizen on any vessel--to possess, manufacture, distribute, dispense, or unlawfully import a controlled substance. Also makes it unlawful for any person anywhere to possess a controlled substance intending or knowing that it will be unlawfully imported into the United States. Provides for first offense penalties of up to 15 years imprisonment, or a fine of up to $25,000, or both, and of double those maximums for a second or subsequent offense.

P.L. 96-359: Infant Formula Act of 1980

Among other things, contains provisions (1) to increase the maximum penalty for trafficking in marihuana in amounts exceeding 1,000 lbs., to 15 years in prison, or $125,000, or both (double for a second offense); (2) to extend the 1978 amendments to the Controlled Substances Act relating to the commerce in the PCP constituent piperidine; and (3) to direct the Attorney General to make available to the States additional information on the extent of, and on trends in, the abuse of drugs.

P.L. 96-509: Violent Juvenile Crime Control Act of 1980

Title I: Amends the Juvenile Justice and Delinquency Prevention Act of 1974 to include the finding that the justice system should give additional attention to violent crimes committed by juveniles, particularly in the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Repeals declarations of purpose relating to the establishment of training programs and centralized research and information services dealing with juvenile delinquency.

Title II: Amends the Juvenile Justice and Delinquency Prevention Act of 1974, to specify, among other things, that the Office of Juvenile Justice and Delinquency Prevention shall be (1) under the general authority of the Attorney General and (2) under the direction of an Administrator with final authority over specified administrative functions. Provides for a 3-year planning cycle for formula grants. Requires that 5 years after the enactment of the amendments, States receiving funds may no longer detain juveniles in jails or lockups housing adult offenders. Provides for an emphasis on removing juveniles from jails and lockups, on serious juvenile offenders, on the training of personnel to deal with offenders with learning disabilities, on exemplary activities, and on the implementation of juvenile justice standards. Authorizes appropriations of $200 million each year for FY 1981-1984.

P.L. 96-528

Makes appropriations for Agriculture, Rural Development, and Related Agencies programs for FY 1981 and for other purposes. Among other things, prohibits the use of funds appropriated pursuant to the act for making production or other payments to persons or corporations that harvest--for illegal use--marihuana or other prohibited drug-producing plants.

P.L. 96-533: International Security and Development Cooperation Act of 1980

Among other things, extends the appropriation authorization for the International Narcotics Control program under section 482 of the Foreign Assistance Act. For FY 1981 authorizes $38.6 million. Makes available certain aircraft, communications equipment and operational support to the Colombian anit-narcotics enforcement program.

H. Res. 13

Provides for the continuance, in the 96th Congress, of the House Select Committee on Narcotics Abuse and Control.

P.L. 97-86: Department of Defense Authorization for Appropriations for FY 1982

Among other things, by way of clarifying the Posse Comitatus statute, authorizes certain kinds of cooperation by the Armed Services with civilian law enforcement authorities for specified purposes, including enforcement of the Controlled Substances Act.

P.L. 97-113: International Security and Development Cooperation Act of 1981

Among other things, authorizes appropriations for the International Narcotics Control program under section 482 of the Foreign Assistance Act: $37.7 million for each of the fiscal years 1982 and 1983. Repeals the provision of the act that had prohibited the use of assistance funds for drug crop eradication efforts using an herbicide shown to be harmful to human health; however, requires the Secretary of State to inform the Secretary of Health and Human Services (HHS) of the use or intended use, by any country or international organization, of any herbicide to eradicate marihuana under a program receiving assistance. Further requires the Secretary of HHS to monitor the health impact of the use of marihuana that has been sprayed by an herbicide and to report to Congress any evidence of harmful effects. Allows funds earmarked for Colombia under the FY80 appropriation to be used for marihuana eradication (with paraquat). Urges the President to spend at least $100,000 to develop a substance that clearly warns persons who may use or consume marihuana that it has been sprayed with the herbicide paraquat or other herbicide harmful to the health of such persons. Requires such a substance, if developed, to be used with the herbicide.

Directs the President to make an annual report to Congress on U.S. policy for establishing an international strategy to prevent narcotics trafficking.

P.L. 97-116: Immigration and Nationality Act Amendments of 1981

Among other things, permits the waiver of simple marihuana possession offenses, involving 30 grams or less, as grounds for deportation of the alien spouse, child, or parent or a United States citizen or permanent resident.

P.L. 97-248: Tax Equity and Fiscal Responsibility Act of 1982

Contains provisions designed to remove impediments to Internal Revenue Service cooperation with other Federal law enforcement agencies. Specifically, decentralizes authority to apply for tax disclosure orders, eliminates "Catch-22" standards for acceptable applications for disclosure orders, and substitutes the United States for individual Federal employees in civil damage actions for unauthorized disclosure of tax information. Also amends the Internal Revenue Code to eliminate the possibility of taking any deduction or receiving any credit, in relation to taxes, for any expenditure made in connection with the illegal sale of substances controlled under the Federal Controlled Substances Act or similar State statute.

H. Res 13

Provides for the continuance, in the 97th Congress, of the House Select Committee on Narcotics Abuse and Control.

P.L. 98-67 (Title II): Caribbean Basin Economic Recovery Act

Authorizes the President to proclaim duty-free treatment for all "eligible articles" from any Caribbean country specifically designated under the act unless that country fails to meet certain enumerated requirements. One requirement is that the country must take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in 21 U.S.C. 812) produced, processed, or transported in such country from entering the United States unlawfully.

P.L. 98-151: Further Continuing Appropriations, FY 1984

Contains a prohibition on the provision of assistance, through programs funded under the Foreign Assistance Appropriations Act as provided for in P.L. 98-377 and P.L. 98-63 and out of funds appropriated under the act, to any country during any three-month period (after October 1, 1983) following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (cultivated, produced, or processed in that country, or transported through it) from being sold illegally within the jurisdiction of such country to U.S. Government personnel or their dependents or from entering the United States unlawfully.

P.L. 98-164: Department of State Authorization Act, FY 1984 and FY 1985

Contains provisions making U.S. assistance to any country that is a major producer of opium, coca, or marihauana contingent on reductions by that country in the levels of such production. Requires the President to submit, annually, a report on U.S. efforts to establish and encourage an international strategy to prevent the illicit cultivation and production of, and traffic in, narcotics and other controlled substances. Specifies that reports shall identify source countries and determine the "maximum reductions in illicit drug production which are achievable" in primary source countries; submission of report is to be followed by consultations between the Administration and Congress on appropriate steps to be taken with respect to delinquent countries.

P.L. 98-236

Amends the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the authorization of appropriations, through FY 1986, for contracts with public or private agencies for the supervision of released drug offenders.

P.L. 98-305: Controlled Substance Registrant Protection Act of 1984

Makes it a Federal crime to rob or burgle a pharmacy or other dispenser (registered under the Federal Controlled Substances Act to manufacture, distribute or dispense the drugs regulated under that statute) of a substance controlled under the Federal Controlled Substances Act if (1) the replacement cost of the substance is at least $500, (2) the person committing the offense traveled in interstate or foreign commerce or used any facility in commerce to facilitate the act, or (3) another person was killed or suffered significant bodily injury as a result of the offense. Authorizes penalties of up to 20 years imprisonment or $25,000, or both; where bodily injury occurs, up to 25 years or up to $35,000, or both; where death occurs, up to life imprisonment or $50,000, or both.

P.L. 98-329

Transfers the drug methaqualone from Schedule II to Schedule I under the Controlled Substances Act, thus banning it except for specifically approved experimental purposes.

P.L. 98-411: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985

In addition to making appropriations for the Justice Department for FY 1985, provides that the authorities contained in P.L. 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980," shall remain in effect until the termination date of the Act or until the effective date of a Department of Justice Appropriation Authorization Act (for FY 1985), whichever is earlier. Also extends exemptions, for the Federal Bureau of Investigation, from certain restrictions on undercover investigative operations, and authorizes their application to similar operations of the Drug Enforcement Administration--requiring from both agencies detailed audits and reports on such operations.

P.L. 98-473 (Title II): Comprehensive Crime Control Act of 1984

Chapter I: Bail. Amends the Bail Reform Act to (1) permit Federal courts to consider the factor of potential danger to the community in determining whether to release an accused individual pending trial (or appeal, if convicted) or, if release is appropriate, in determining the conditions for release and (2) increase penalties for jumping bail.

Chapter II: Sentencing Reform. For development of a more uniform and predictable Federal sentencing system, establishes a sentencing commission to formuate guidelines for use by the courts when determining sentences. Eliminates parole and allows only limited "good time" credits. Requires guidelines to reflect possible effects of sentences on Federal prison capacities. Specifies that departure from guidelines must be explained in writing by the court. Repeals Youth Corrections Act.

Chapter III: Forfeiture. Amends both the Controlled Substances Act and the Racketeering Influenced and Corrupt Organizations Act (RICO). Imposes the sanction of criminal forfeiture for all felony drug offenses. Expands the scope of previously authorized criminal forfeiture sanctions under RICO to include the forfeiture of racketeering activity *proceeds*. Raises the ceiling (to $100,000) on the value of property subject to administrative forfeiture. Creates two funds from forfeiture proceeds to maintain seized property and to pay for certain law enforcement expenses and in other ways facilitates forfeitures in drug-related and racketeering cases. [See also Chapter XXIII, below.]

Chapter V: Drug Enforcement Admendments.

Part A: Controlled Substance Penalties. Amends both the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (CSIEA) to (1) increase the maximum prison penalties for trafficking in large amounts of an opiate, cocaine, phencyclidine (PCP), or lysergic acid diethylamide (LSD), (2) increase the level of maximum fines that may be imposed as penalties for trafficking in *any* controlled substance, (3) increase prison penalties and fines for trafficking in any amount of most non-narcotic substances in CSA Schedules I or II (such as LSD and PCP), (4) increase penalties for trafficking in marihuana in amounts ranging from 50 to 454 kilograms, (5) permit State and foreign drug convictions to be considered under the enhanced sentencing provisions applying to repeat drug offenders, and (6) create a new offense under the Act of distributing a controlled substance in or on, or within a thousand feet of, "the real property comprising a public or private elementary school," a first offense being subject to double the maximum penalty for a regular trafficking offense and a second offense being subject to a mandatory minimum of three years imprisonment and a life-time maximum. [See also Chapter XXIII, below.]

Part B: Diversion Control Amendments. Amends the Controlled Substances Act to (1) permit the Attorney General to deny an application for practitioner registration if he determines that its issuance would be inconsistent with the public interest, (2) make it easier to revoke or suspend any registration under the CSA (manufacturers, importers, distributors, and practitioners), (3) eliminate some practitioner recordkeeping requirements and tighten others, (4) simplify practitioner registration requirements (allowing a three-year life-span if determined appropriate), (5) clarify the control of isomers, (6) establish new emergency authority for the Attorney General to place under temporary controls any uncontrolled substance not being marketed in the U.S. for medical purposes--including registration, recordkeeping, and criminal sanctions for violation, (7) authorize a program of grants to State and local governments ($6 million a year for FY 1985 and FY 1986) to assist them in suppressing diversion of controlled substances from legitimate medical, scientific and commercial channels, and (8) expand import permit requirements to include the importation of certain non-narcotic Schedule III substances.

Chapter VI. Division I: Justice Assistance. Among other things, provides for Federal funding, through matching block grants to the States, of State and local law enforcement programs "of proven effectiveness or which offer a high probability of improving the functions of the criminal justice system and which focus primarily on violent crime and serious offenders." Specifically indicates drug trafficking as one of the "critical problems of crime" that funded projects may address. Authorizes appropriations of $70 million for FY 1985.

Chapter VI. Division II: Amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. Reauthorizes a program of assistance to States for the development of programs to combat juvenile delinquency, and of alternatives to incarceration of juveniles.

Chapter IX: Currency and Foreign Transactions Reporting Act Amendments. Designed principally to prevent the laundering of money by drug traffickers and organized crime figures, (1) prohibits the attempted transport, out of the United States, of monetary instruments exceeding $10,000 (as well as actual transport, as under previously existing law, the minimum being increased from the previous $5,000) absent the prior filing of a report with the Treasury Department, (2) allows customs officials to search, without a warrant, for unreported amounts of cash brought into or carried out of the country, (3) authorizes rewards to informants providing original information on a major violation of the Act, and (4) increases the penalties and fines for failure to keep the records and file the reports required under the Act.

Chapter X: Miscellaneous Violent Crime Amendments

Part A: Murder-for-Hire and Violent Crimes in Aid of Racketeering. Extends previously existing Federal jurisdiction over contract killings and violence to cover those involving travel in interstate or foreign commerce or using a facility of commerce, and also those committed for anything of pecuniary value received from a "racketeering" enterprise.

Part B. Creates a new offense of soliciting the commission of a violent Federal felony.

Chapter XI: Serious Non-violent Offenses

Part A. Makes it an offense to warn anyone that he or his property is about to be searched by Federal authorities.

Part H. Prohibits the possession of certain contraband articles--including any narcotic drug--by a Federal prison inmate.

Chapter XII: Procedural Amendments

Part A. Prosecution of Certain Juveniles as Adults. Provides for Federal prosecution, as adults, of certain juvenile defendants charged with serious Federal drug offenses or crimes of violence.

Part B. Wiretap Amendments. Authorizes emergency wiretaps without a court order in certain specified situations (including illegal currency transactions and offenses related to victim-witness intimidation).

Chapter XIII. National Narcotics Act

Creates a National Drug Enforcement Policy Board, an interagency council to coordinate Federal drug law enforcement activities, under the chairmanship of the Attorney General. Gives chairman authority to approve budget reprogramming requests of any agency, if drug law enforcement is involved, and allows him to direct the reassignment of personnel, with the concurrence of the head of the agency affected.

Chapter XXIII

Authorizes an alternative sentence of a fine of up to twice the proceeds from a violation of the Controlled Substances Act, the Controlled Substances

Import and Export Act, or the Racketeering Influenced and Corrupt Organization chapter of title 18, U.S. Code. Authorizes the proceeds of forfeited property to be placed in a fund for the maintenance of seized property, the purchase of evidence, and the retro-fitting of seized and forfeited conveyances for law enforcement purposes.

P.L. 98-499: Aviation Drug-Trafficking Control Act

Amends the Federal Aviation Act of 1958 to (1) require the mandatory revocation, for up to five years, of the airman certificate of someone convicted of a violation of a State or Federal law relating to controlled substances, and (2) provide for additional penalties for the transportation of controlled substances by aircraft.

P.L. 98-509: Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984

Contains a provision for repeal of the statute requiring establishment of a Strategy Council on Drug Abuse and the preparation of an annual "National Drug Abuse Strategy."

P.L. 98-573: Trade and Tariff Act of 1984

Contains amendments to the Tariff Act of 1930 to raise the ceiling (from $10,000 to $100,000) on the value of property subject to administrative forfeiture (unless contested) because of its involvement in a violation of U.S. customs laws and to remove entirely the ceiling in the case of conveyances used to import, export, transport, or store any substance covered by the Controlled Substance Act. Raises (from $250 to $2,500) the amount of the bond required from a claimant who contests such forfeiture and who seeks a judicial hearing and determination. [With the exception of the amount of bond required in contested cases, the provisions are essentially the same as those of Part D of Chapter III of P.L. 98-473, the Comprehensive Crime Control Act of 1984.]

P.L. 98-596: Criminal Fine Enforcement Act of 1984

Amends the Federal criminal code to improve the collection of fines and to increase the maximum fine level for certain offenses.

H. Res. 49

Provides for the continuance, in the 98th Congress, of the House Select Committee on Narcotics Abuse and Control.

P.L. 99-83: International Security and Development Cooperation Act of 1985

For the International Narcotics Control program, authorizes appropriations of $57.5 million for each of fiscal years 1986 and 1987. Makes economic and military assistance to Bolivia contingent on the licensing of coca growers and the limitation of production to pre-established needs, allowing 50 percent of the scheduled payments for FY86 to be made after compliance--with the remaining 50 percent to be provided when the President certifies to Congress that Bolivia has met the eradication targets for 1985 that were specified in a 1983 agreement. For continuation of aid in FY87, Bolivia must have developed a plan to eradicate illicit production. Conditions approximately $90 million of the total amount of FY86 assistance scheduled for Peru on a showing of "substantial progress" by Peru in in developing a plan to eliminate unlicensed coca production. To receive full assistance in FY87, Peru must have put the plan into operation. Terminates the ban on participation by U.S. officers or employees in police arrest actions or interrogations in foreign countries where such participation has been aggreed on by the Secretary of State and the government of the country in question. Requires countries receiving assistance for narcotic control to provide at least 25 percent of the cost of any program or project funded with such assistance. Authorizes provision of defense armaments for foreign aircraft being used to combat drugs. Requires a study to determine the feasibility of establishing a Latin American regional narcotics control organization. Requires a number of additional reports to Congress on matters pertaining to drug control.

P.L. 99-88: Supplemental Appropriations for FY 1985

Contains a provision directing the Secretary of Defense to submit a report to Congress on the role of the Department in the drug interdiction and law enforcement activities of the Federal government and also directs the President to make a similar report covering all Federal drug enforcement efforts, setting forth "the mechanisms for coordinating the policy and operational control of the elements of each agency in the drug interdiction and law enforcement mission."

P.L. 99-93: State Department authorizations, FY 1986 and FY 1987

Contains a provision establishing the International Narcotics Control Commission, to monitor drug control treaties.

P.L. 99-145: Department of Defense authorizations, FY 1986

Authorizes establishment of special airborne surveillance and detection units within the Armed Forces, permitting existing active units to be utilized while also allowing for the possibility of using reserves. Provides for the mandatory assignment of Coast Guard personnel to each naval vessel at sea in a drug interdiction area and authorizes appropriations for 500 additional Coast Guard personnel for this purpose. Provides for a study on the use of E-2 aircraft for drug interdiction purposes.

P.L. 99-190: Further Continuing Appropriations, FY 1986

Contains provisions to (1) earmark $300 million for the enhancement of drug interdiction efforts by the Defense Department, of which $35 million is further earmarked for the commencement of the configuration of an AC-130H-30 pressurized drug surveillance aircraft and the establishment of an "appropriate" command and control element for the drug interdiction mission within the Air Force, and (2) require that 50 percent of the funds (excluding International Narcotics Control funds) for Jamaica and Peru be withheld from obligation unless the President determines and reports to Congress that these Governments are "sufficiently responsive to the U. S. Government's concerns on drug control and that the added expenditures of the funds for that country are in the national interests of the United States."

BRIEF SUMMARIES OF MULTILATERAL TREATIES

Single Convention on Narcotic Drugs, 1961

[Entered into force for the United States June 24, 1967]. Replaces previous multilateral international treaties for the control of narcotic drug traffic with a single new instrument, designed to simplify and strengthen the existing machinery of regulation. General purpose is to limit the production and distribution of opium, coca, cannabis and their derivatives, along with specified synthetic narcotic compounds. Requires signatories to adopt appropriate legislation to limit production and distribution to such amounts as are necessary for medical and scientific purposes, to introduce necessary administrative and enforcement measures, and to cooperate with the international drug control organs as well as with other countries. [TIAS 6298]

1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961

Increases the authority of the International Narcotics Control Board. [26 UST 1439; TIAS 8118]

Convention on Psychotropic Substances

[Entered into force for the United States April 16, 1980]. Provides for the international control of depressant, stimulant, and hallucinogenic substances not subject to the Single Convention on Narcotic Drugs. [TIAS 9725]